

Debra Brown

From: Matt Godissart <godissartm@bedfordcountylibrary.com>
Sent: Thursday, October 26, 2017 11:09 AM
To: Commissioner Lang; Commissioner Dallara; Commissioner Crooks
Cc: Michael Clapper
Subject: Solar Panels

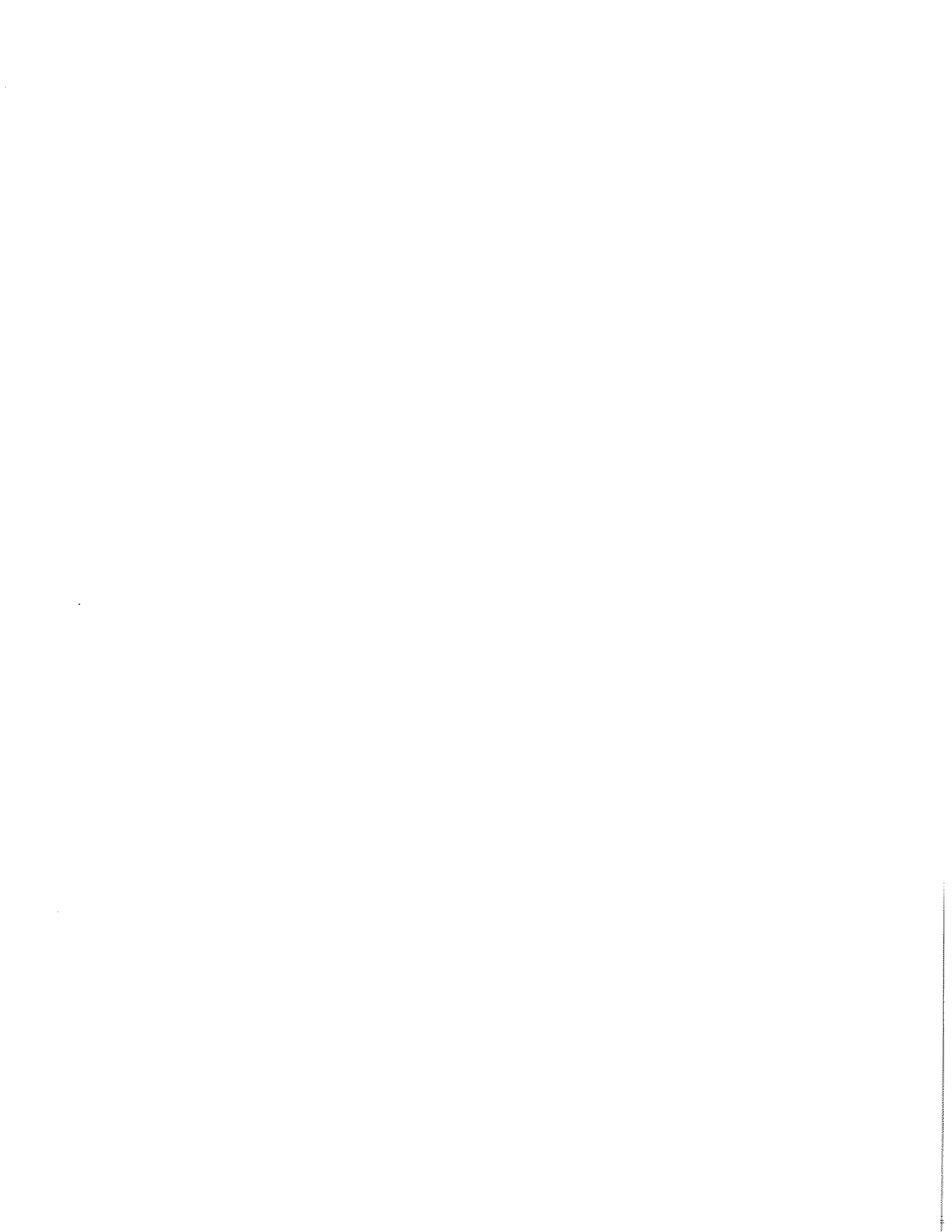
Hi Josh, Barry, Paul, and Mike,

I had a group contact me called "free commercial solar," and it might be interesting for us to pursue putting solar panels on the library.

Would any of you have a problem filling out their information? I'd need Mike's help with details on the electric bill at the library and some other things, but we could potentially make up some in the electricity bills and set an example for other locations to follow in the county in terms of clean energy.

Thanks for considering,

Matt



Debra Brown

From: Commissioner Dallara
Sent: Wednesday, November 29, 2017 6:30 PM
To: Larry Myers
Subject: Re: Solar project at the Bedford County Prison

Larry it is and we need to talk very soon!! Brandon and I r going to Hyndman on Tuesday at 11:30 to look at the Hyndman Medical Center, and we will return in the mid afternoon time frame. R u available to meet on Tues. mid afternoon to meet? Also the Bedford County Airport is within 2 miles by line of sight from the prison. Also the Commissioners are meeting with the leadership of the Bedford School District to discuss PILOT WITH UPMC and we could also bring up the solar project if appropriate.

Sent from my iPhone

On Nov 29, 2017, at 5:07 PM, Larry Myers <Larry.Myers@schneider-electric.com> wrote:

Barry and Josh:

Gov Wolf executed a program late last week that will fund 50% of a solar project. This may be a great opportunity to significantly reduce the electric costs of the prison. Furthermore, we could potentially combine the project with another public entity that is within 2 miles of the site. We need to determine if we can combine service loads from multiple utilities for this program, ie the Rural Electric and Penelec. While several entities come to mind, the Bedford ASD may be the cleanest.

Let me know if this is worth looking into. If so, please look at the Google Earth plot below. How much property does the county actually have and what property would you be willing to place ground mount solar panels on? I am assuming that you don't want places for people to hide behind near the building.

Thanks,
Larry

<image002.jpg>

Larry F. Myers, PE, CEM, GBE
Sales Team Leader, Northeast
Energy & Sustainability Services
larry.myers@schneider-electric.com

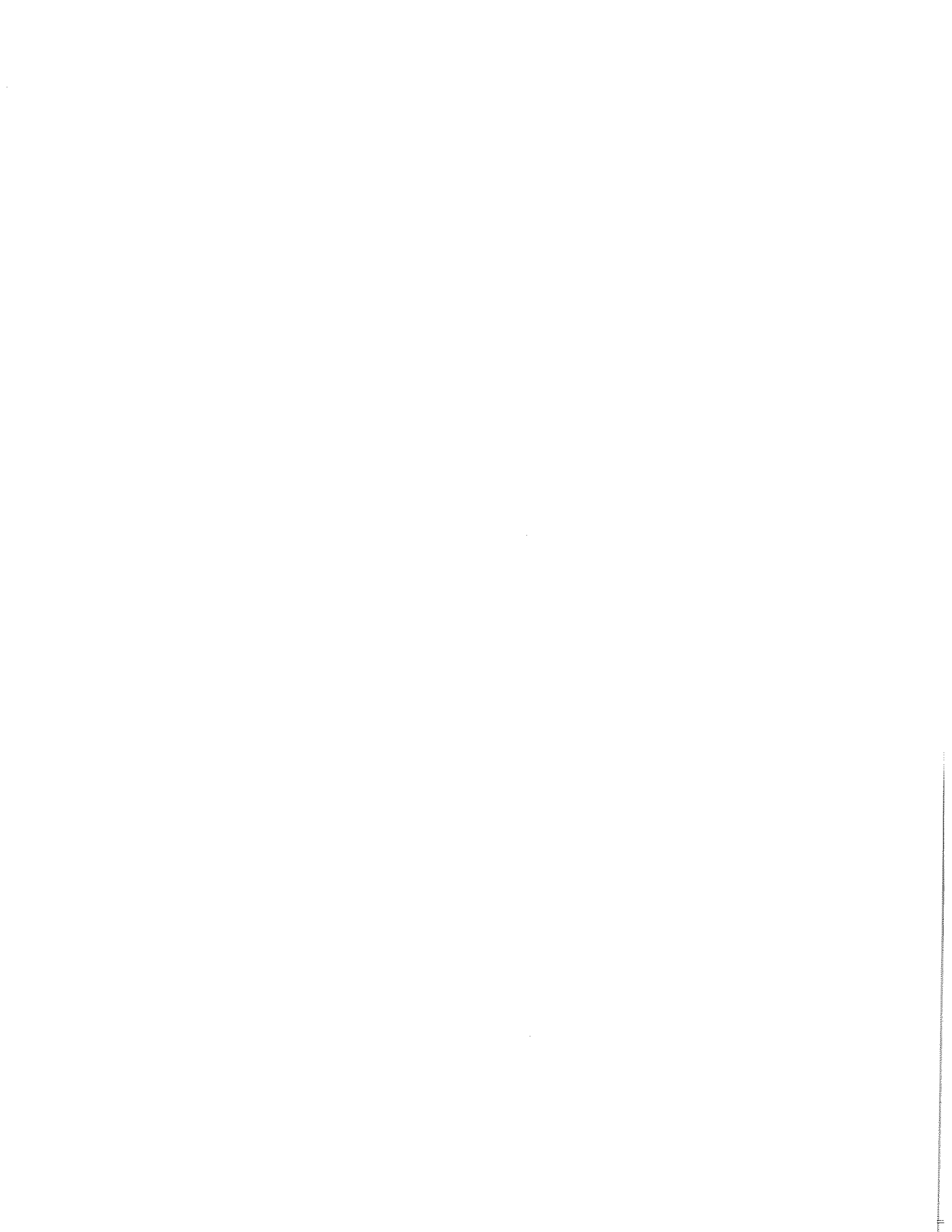
D +1 814.937.7602
Fx +1 717.232.8187 (Harrisburg)
Fx +1 814.569.1978 (Bedford)
W www.enable.schneider-electric.com/

4431 N. Front Street Suite 100
Harrisburg, PA 17110
United States

<image004.jpg>

<image006.png> <image008.png> <image010.png> <image016.png>

****Please consider the environment before printing this email****



Debra Brown

From: Commissioner Dallara
Sent: Thursday, November 30, 2017 4:00 PM
To: Debra Brown
Subject: Fwd: Contact Info Rodney Rose

Deb, please schedule a lunch mtg with this gentlemen and the 3 commissioners between now and December 15 ,2017.
Rod Rose available dates are indicated in his email.
Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@rerenergygroup.com>
Date: November 30, 2017 at 3:37:16 PM EST
To: cdallara@bedfordcountypa.org
Subject: Contact Info Rodney Rose

Rodney G. Rose, Esq.
General Counsel and Director of Business Development

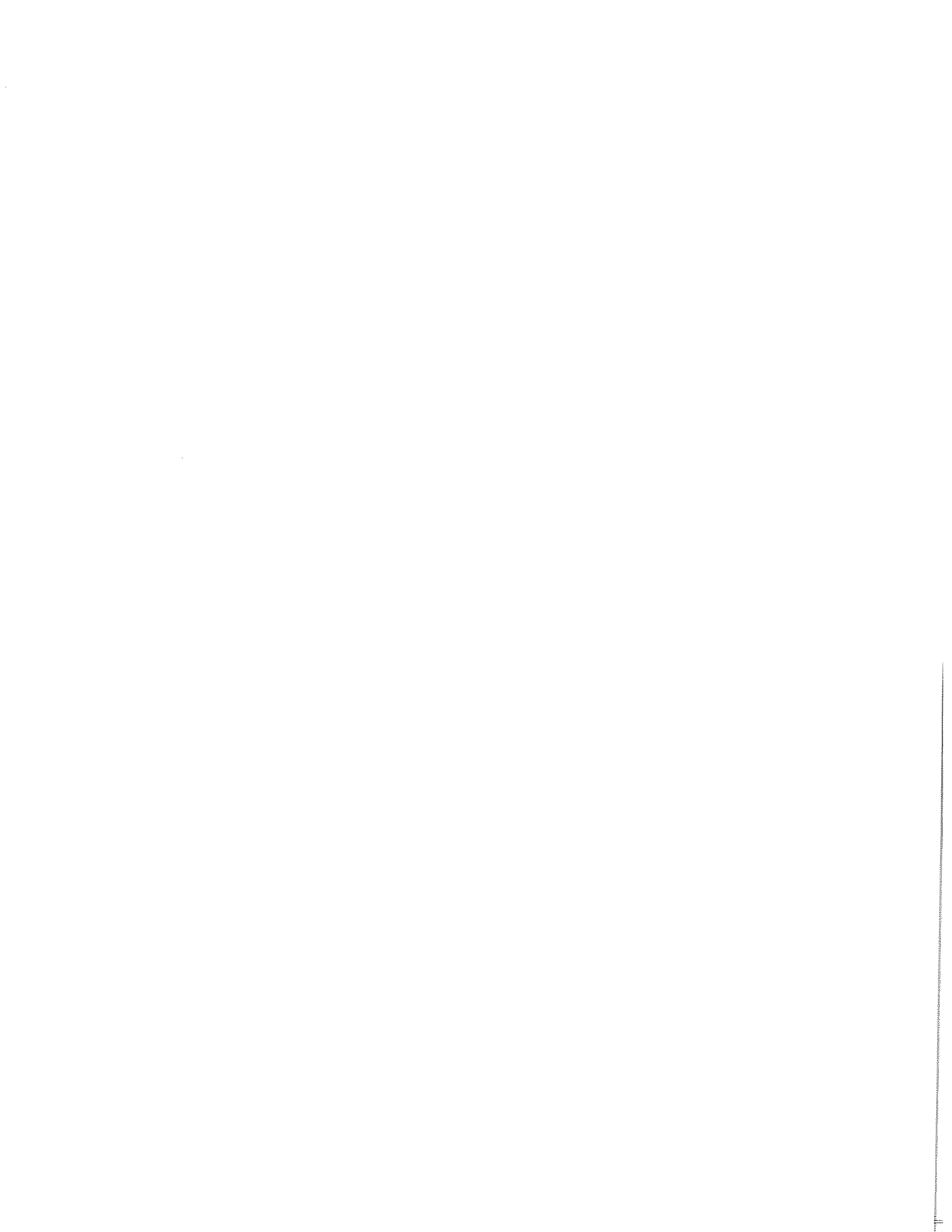


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rrose@rerenergygroup.com • www.rerenergygroup.com

News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World



Debra Brown

From: Commissioner Dallara
Sent: Thursday, November 30, 2017 4:35 PM
To: Debra Brown
Subject: Fwd: Availability for December

Deb, this is the person I sent u earlier about setting a date we can meet him between now and the 15th of Dec.

Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@rerenergygroup.com>
Date: November 30, 2017 at 4:09:45 PM EST
To: cdallara@bedfordcountypa.org
Subject: Availability for December

Barry,

Best days for December would be Mondays, Wednesdays or Thursdays. I have a standing Tues. meeting in Frederick MD which would make getting to Bedford and having enough time to answer your Group's questions difficult. Again - I am in NYC on Dec 8 as well. Just let me know and I will accommodate your group.

Thanks and looking forward to the discussion.

Rodney G. Rose, Esq.
General Counsel and Director of Business Development

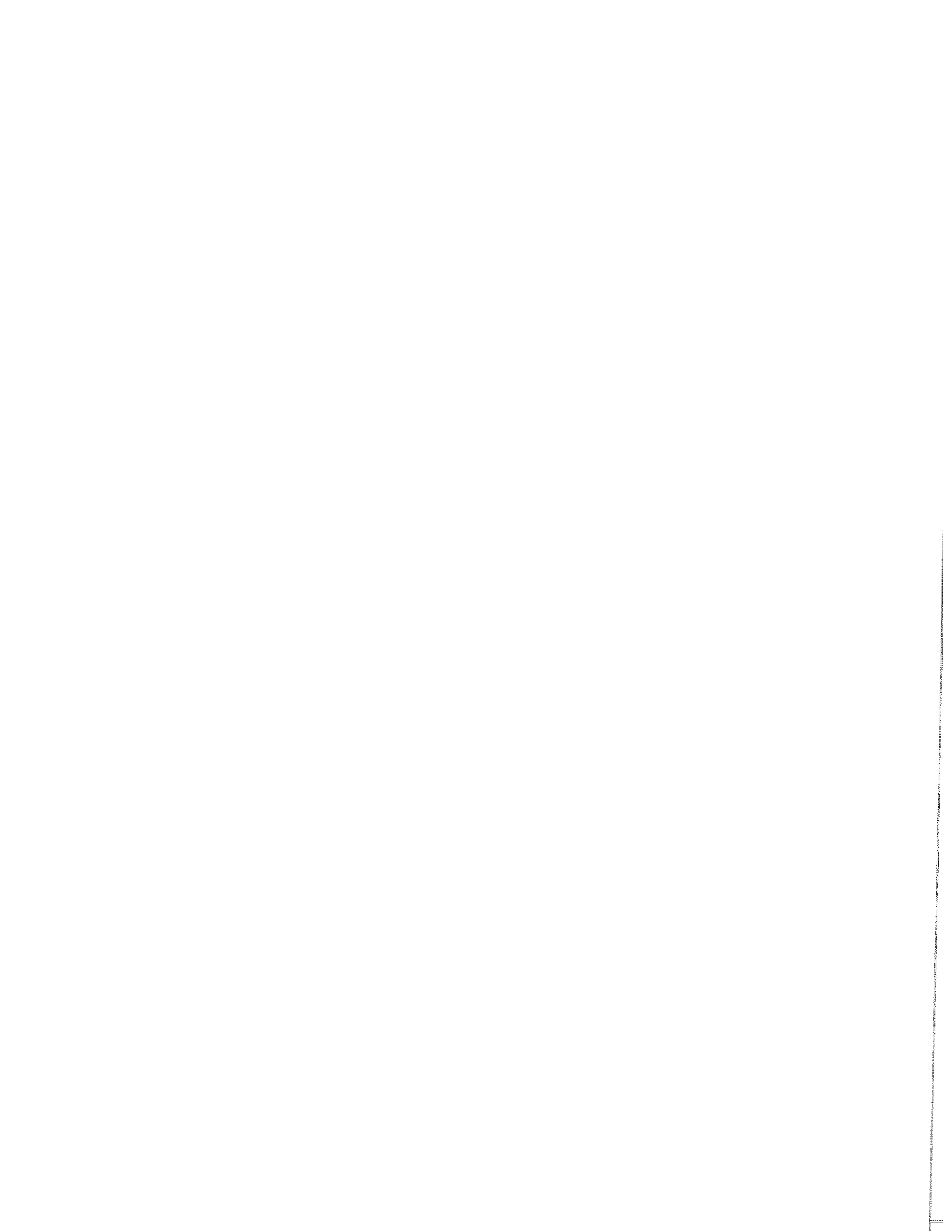


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Debra Brown

Subject: RER Energy Group - Rodney Rose
Location: Tilley's Clubhouse

Start: Wed 12/13/2017 12:00 PM
End: Wed 12/13/2017 1:00 PM

Recurrence: (none)

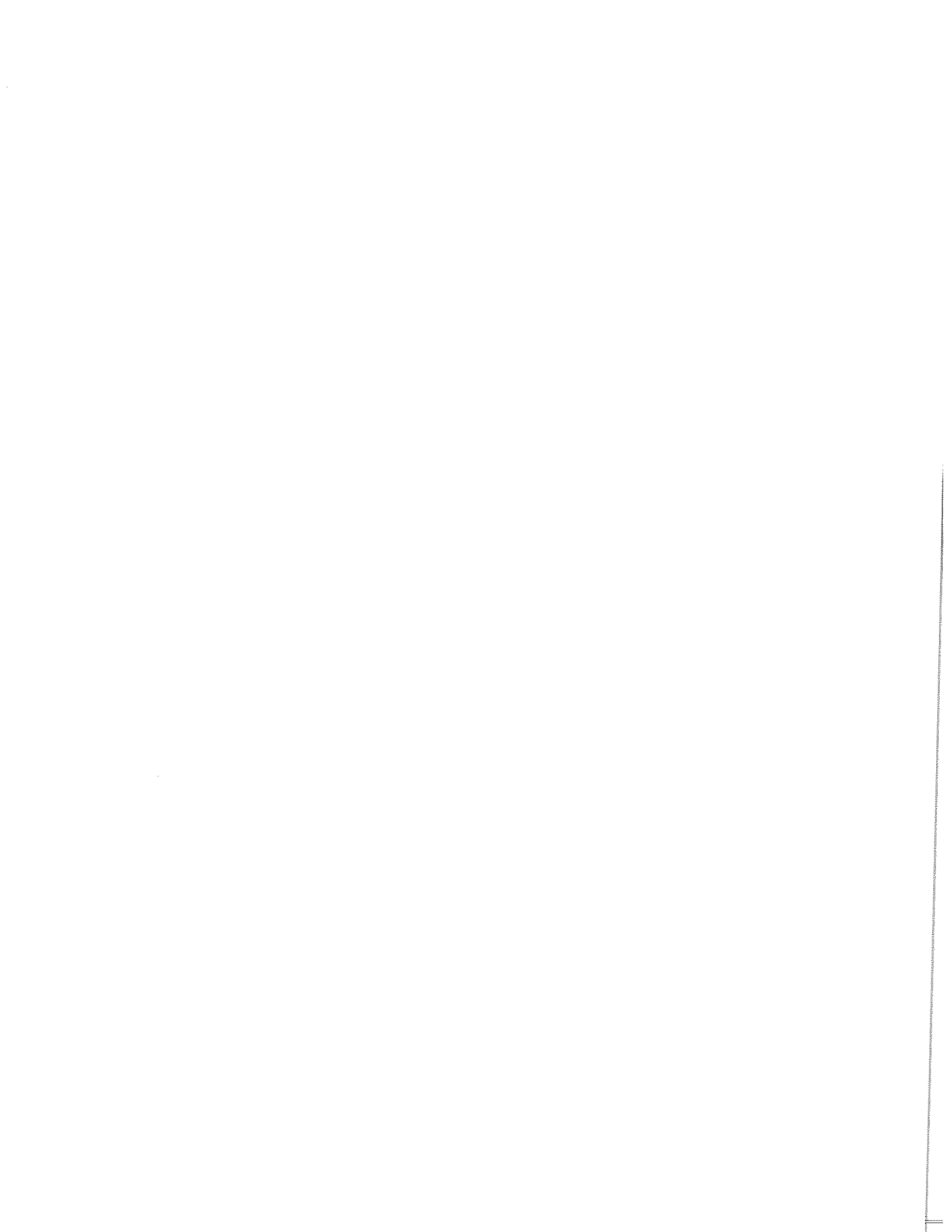
Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Dallara; rrose@rerenergygroup.com;
Larry.Myers@schneider-electric.com

Meeting recommended by Commissioner Dallara.

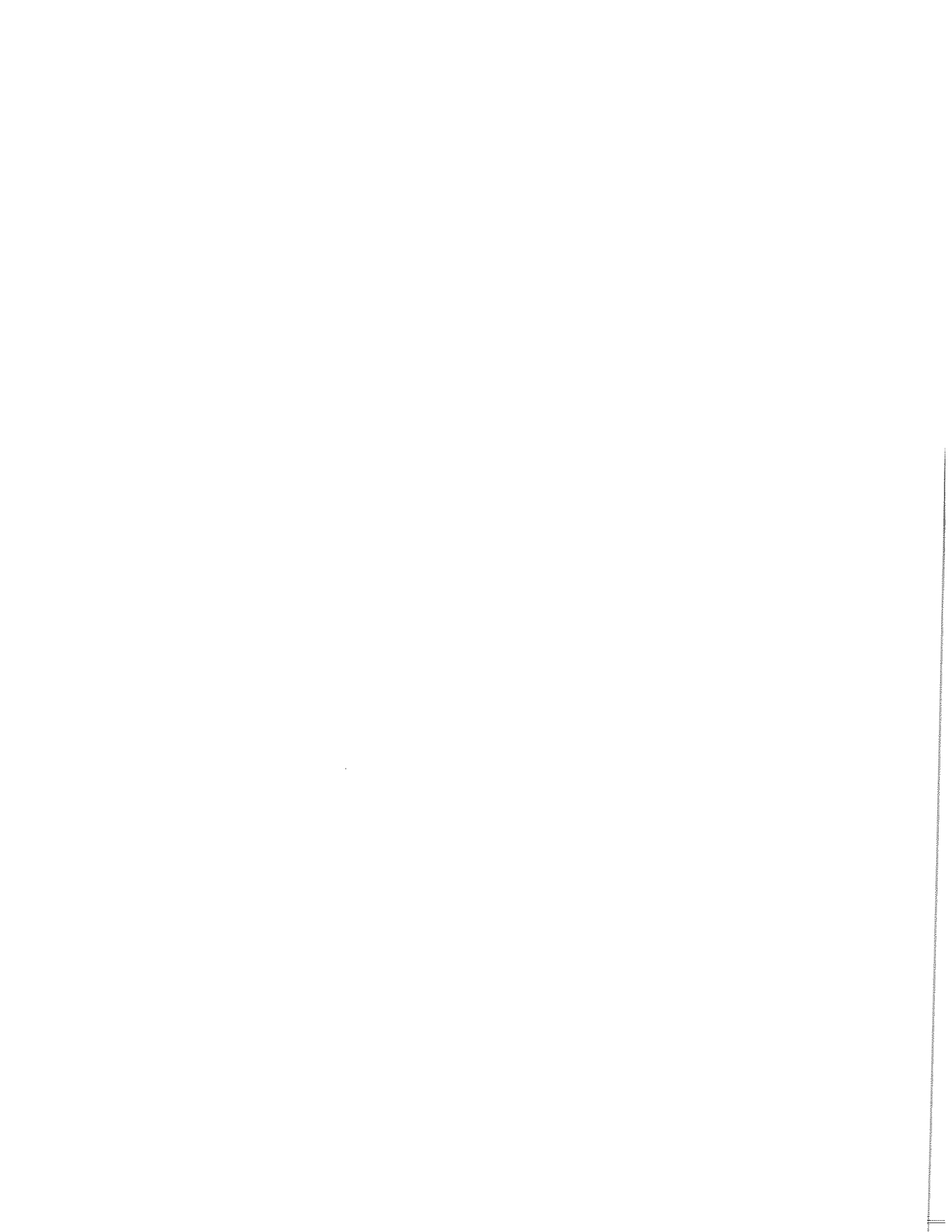
Mr. Rose - 301-992-3007

Per Mr. Rose, Larry Myers will be attending the meeting at Tilly's.



Debra Brown

From: Commissioner Dallara
Sent: Friday, December 1, 2017 11:54 AM
To: Debra Brown
Subject: Accepted: RER Energy Group - Rodney Rose



Debra Brown

From: Commissioner Dallara
Sent: Friday, December 1, 2017 1:52 PM
To: Debra Brown
Subject: Declined: RER Energy Group - Rodney Rose

Debra Brown

From: Commissioner Dallara
Sent: Friday, December 1, 2017 1:52 PM
To: Debra Brown
Subject: Declined: RER Energy Group - Rodney Rose



Debra Brown

From: Commissioner Dallara
Sent: Tuesday, December 5, 2017 4:20 PM
To: Troy Nelson
Subject: Fwd: Solar project at the Bedford County Prison

Troy, please call me about this email ASAP

Sent from my iPhone

Begin forwarded message:

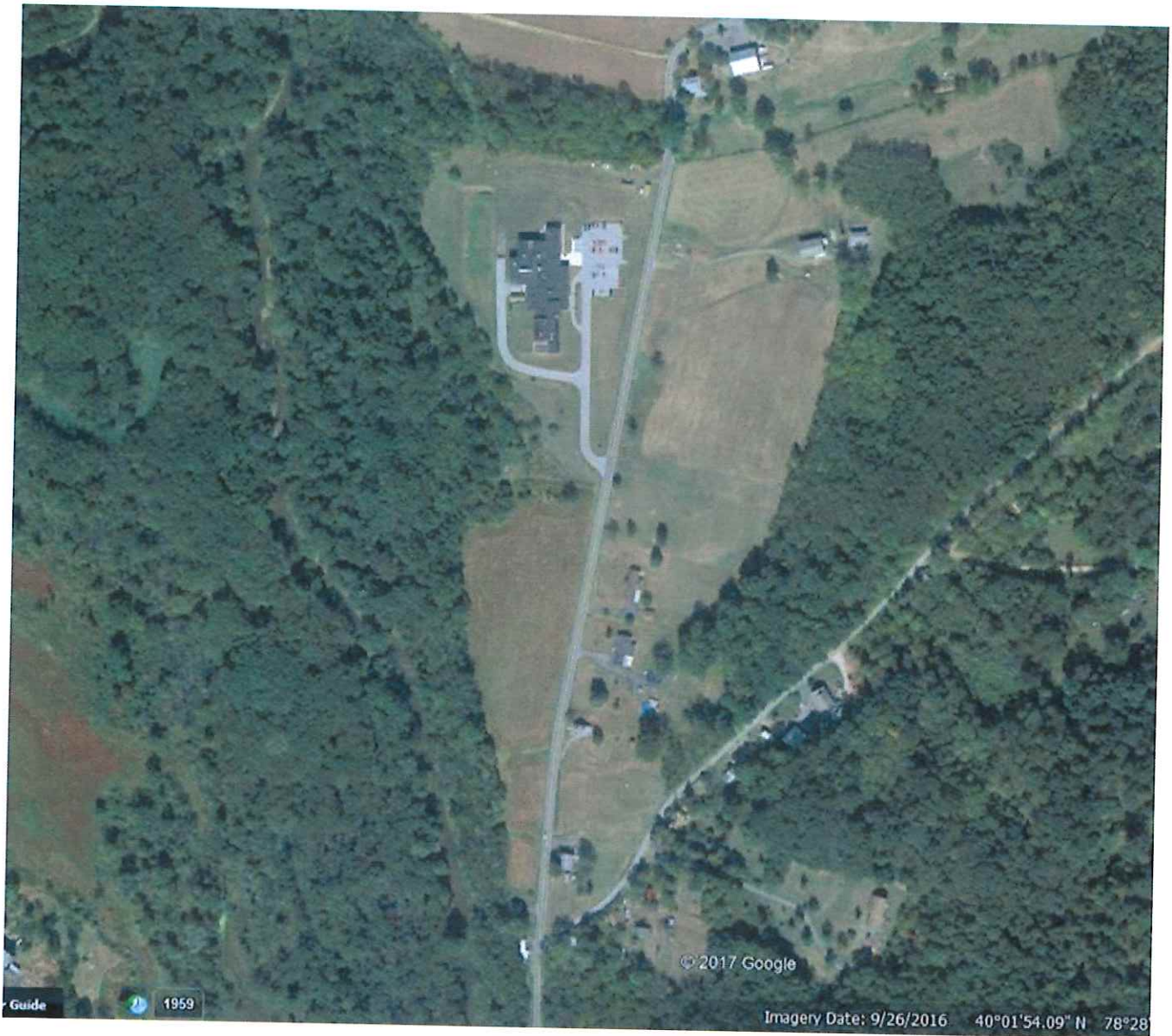
From: Larry Myers <Larry.Myers@schneider-electric.com>
Date: November 29, 2017 at 5:05:28 PM EST
To: Commissioner Dallara <bdallara@bedfordcountypa.org>, Commissioner Lang <jlang@bedfordcountypa.org>
Subject: Solar project at the Bedford County Prison

Barry and Josh:

Gov Wolf executed a program late last week that will fund 50% of a solar project. This may be a great opportunity to significantly reduce the electric costs of the prison. Furthermore, we could potentially combine the project with another public entity that is within 2 miles of the site. We need to determine if we can combine service loads from multiple utilities for this program, ie the Rural Electric and Penelec. While several entities come to mind, the Bedford ASD may be the cleanest.

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Thanks,
Larry



Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services

larry.myers@schneider-electric.com

D +1 814.937.7602

Fx +1 717.232.8187 (Harrisburg)

Fx +1 814.569.1978 (Bedford)

W www.enable.schneider-electric.com/

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Harrisburg, PA 17110
United States



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Location: Tilley's Clubhouse

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Recurrence: (none)

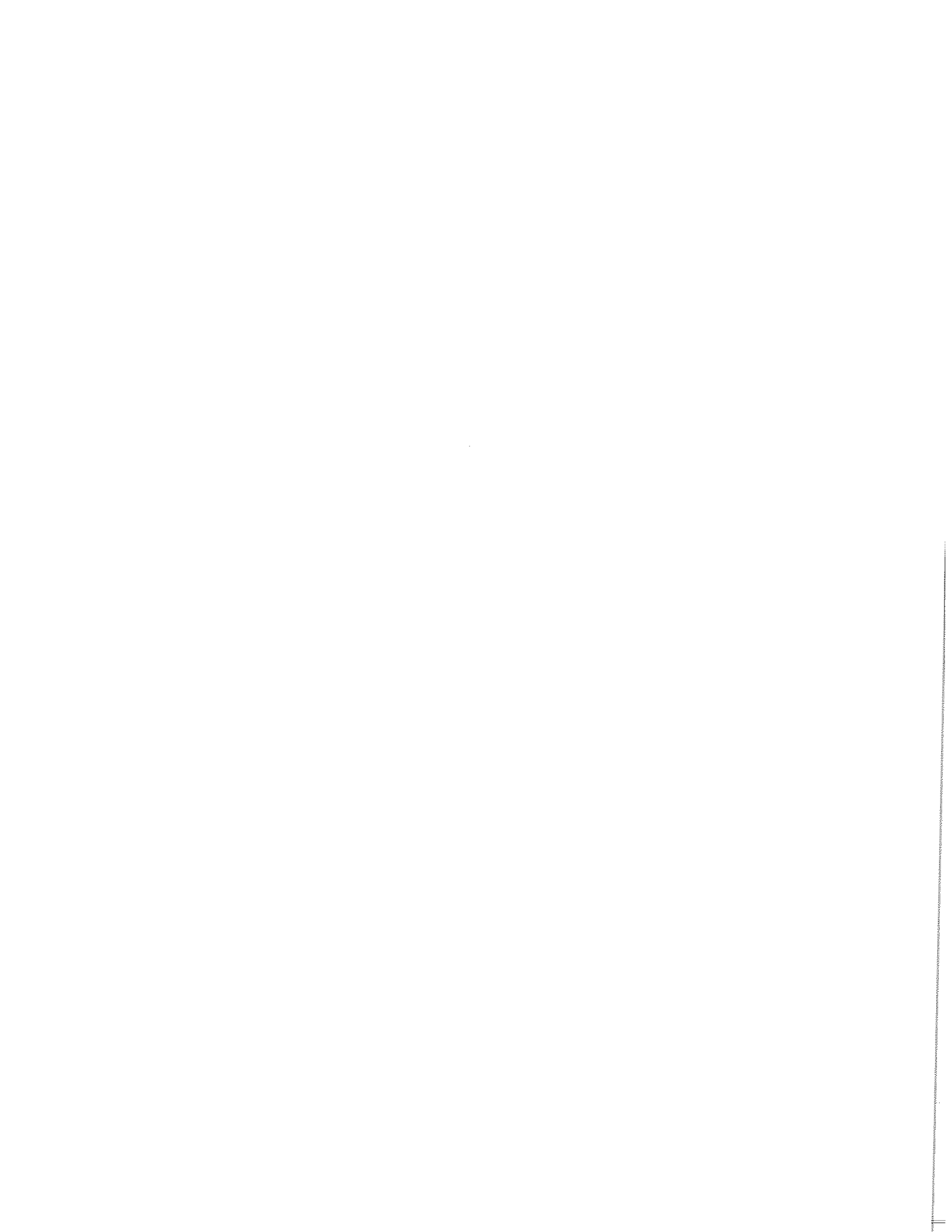
Meeting Status: Accepted

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Dallara; rrose@rerenergygroup.com;
Larry.Myers@schneider-electric.com

Meeting recommended by Commissioner Dallara.

Mr. Rose - 301-992-3007

Per Mr. Rose, Larry Myers will be attending the meeting at Tilly's.



Debra Brown

From: Commissioner Dallara
Sent: Friday, December 8, 2017 5:55 AM
To: Debra Brown
Subject: Accepted: RER Energy Group - Rodney Rose



Debra Brown

From: Commissioner Dallara
Sent: Thursday, December 14, 2017 12:23 PM
To: Donald Schwartz
Subject: Fwd: Draft Letter of Intent for Bedford Co. Jail / Courthouse
Attachments: 2017 1213 BedfordCo Jail Courthouse Draft LOI.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@reenergygroup.com>
Date: December 14, 2017 at 9:08:33 AM EST
To: dbrown@bedfordcountypa.org, cdallara@bedfordcountypa.org, pcrooks@bedfordcountypa.org, jlang@bedfordcountypa.org, bdallara@bedfordcountypa.org, Larry Myers <Larry.Myers@schneider-electric.com>
Subject: Draft Letter of Intent for Bedford Co. Jail / Courthouse

Gentleman,

Thank you again for meeting with us yesterday concerning the proposed 1.83 MW Solar Array to be located at the Bedford County Jail, and providing energy for the Jail as well as the Courthouse. As you know, time is of the essence in order to submit for the \$900,000 Pennsylvania CFA Grant for this project. All of the required documentation is due to the state in Mid January. In order to meet these requirements, we will need to have this document returned prior to the Christmas Break.

I have attached the Letter of Intent, in PDF form, with the changes we discussed yesterday, including the available land footprint illustrated by Mr. Myers handout. The signed Letter of Intent is required to begin the application process for the CFA Grant. Please sign and return this as soon as possible so that we may start assembling the exhibits for the CFA Grant submission.

It was a pleasure having lunch with you gentlemen and we are looking forward to working with you on this project, and saving the taxpayers of Bedford County significant dollars.

Sincerely Yours,

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



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Empower Your World.

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www.rerenergygroup.com

December 14th, 2017
Paul Crooks, Barry Dallara, Joshua Lang
Commissioners
Bedford County, Pennsylvania

Re: Letter of Intent

Dear Commissioners,

Following our discussions with you, the members of the Bedford County Commissioners, I would like to summarize the intent and understanding of the proposed transaction between Bedford County ("You" or "BEDFORD") and RER Energy Group ("RER") concerning the development, installation and operation of a solar array, totaling an estimated 1,830kW ground-mount solar photovoltaic facilities ("Facility(ies)" or "Premises",) Subject to engineering approval, to be located at The Bedford County Jail, following Negotiation and Feasibility Analysis.

This letter will allow the RER Energy Group and BEDFORD to complete an evaluation of the Premises for the installation and operation of the Facility, and to determine the financial and technical feasibility of the Facility.

Documentation:

(i) A PPA Agreement to be entered into between RER and BEDFORD to allow installation and operation of the Facility on Premises owned or leased by You.

Installation and Operation of the Facility

The Investor Group will be responsible for all costs to develop, engineer, construct, install, operate and finance the Facility. You will be responsible for your own legal, financial, transactional and internal project management expenses.

Term:

The Agreement will have an initial term of up to 25 years. BEDFORD will have the option to purchase the system outright from the Investor Group at any time following Year 6 of the agreement, should they so choose. At the end of the Initial Term, the Agreement can be renewed for two (2) additional periods of 5 years each at Your option (collectively the "Term").

Purchase of Electricity:

During the Term, You will purchase 100% of the electricity generated by the Facility, according to Commonwealth of Pennsylvania's PPA net metering regulations. The purchase price for each Facility during the first year is specified in the final PPA Agreement and reflective of the numbers presented to your Team.

Option to Purchase Facility:

During the Initial Term and at the end of the initial Term or the end of any subsequent extension terms, You will have an

option to purchase the Facility at a price equal to Fair Market Value of the system.

Energy and Environmental Attributes:

Investor Group will be entitled to any and all environmental attributes, incentives, credits, off-sets, rebates or similar benefits arising out of the development, installation, operation or ownership of the Facilities.

Insurance:

Investor Group will be responsible for obtaining and maintaining liability insurance relating to installation and maintenance of the Facilities from the beginning of the project construction, throughout the life of the PPA Agreement. Should Bedford County select the option of early buyout of the system, they will become responsible for keeping insurance as well as other operations and maintenance charges.

Conditions:

Customary conditions, including mutually acceptable documentation, necessary permits, execution of the Power Purchase Agreement and Investor Group's ability to obtain satisfactory financing for the development, installation and operation of the Facilities. Interconnection costs not to exceed \$75,000 at the facility location⁴

Pennsylvania CFA Grant as Prepayment:

Bedford County agrees to accumulate required documentation to allow RER Energy Group to solicit and apply to the Pennsylvania Department of Community Economic Development for a CFA Grant under the Solar Energy Program (SEP). The grant monies received will be applied to the project as a prepayment of energy on the project. Failure to obtain this Grant or other funds in their amount, will void this letter of intent between all parties as it is essential to the funding of the project without additional out of pocket cost to BEDFORD. Per the terms of requirement of the Pennsylvania CFA Loan Application, BEDFORD will be required to produce financial statements for a minimum of 24 Months, and a letter of support of the project and Grant application signed by the Chairperson of the Board of Directors and the Municipal Board Director. These documents must be received by RER Energy Group prior to January 15, 2018 so that they may be submitted, on time, in advance of the CFA Grant Program application deadline. RER Energy Group agrees to pay the required application and submission fees for the CFA Grant Program for this project.



This letter sets forth our current intent and expectations concerning the principal terms of the PPA, but does not create any binding obligations between the parties, except that for a period of nine months from the date of this Letter of Intent, You agree that neither You, nor any of Your employees, representatives or agents, will (i) solicit or engage in discussions or negotiations with any party other than RER relating to the installation or operation of a renewable energy facility; (ii) provide information or assistance to, or otherwise encourage or facilitate, any party other than RER relating to the generation of renewable energy or the financing, installation or operation of a renewable energy facility; or (iii) enter into any arrangement, agreement or commitment relating to the generation of renewable energy or the financing, installation or operation of a renewable energy facility, in each case with any party other than RER.

The existence and terms of this letter and the fact that discussions or negotiations may be ongoing between You, RER, and the INVESTOR GROUP are confidential and may be disclosed only to employees, attorneys and advisors who are participant in the proposed transaction.

This letter agreement shall be governed by the laws of the Commonwealth of Pennsylvania without regard to its principles of conflicts of laws

Please call me if you have any questions or comments. We look forward to working with you on this transaction.

Sincerely,

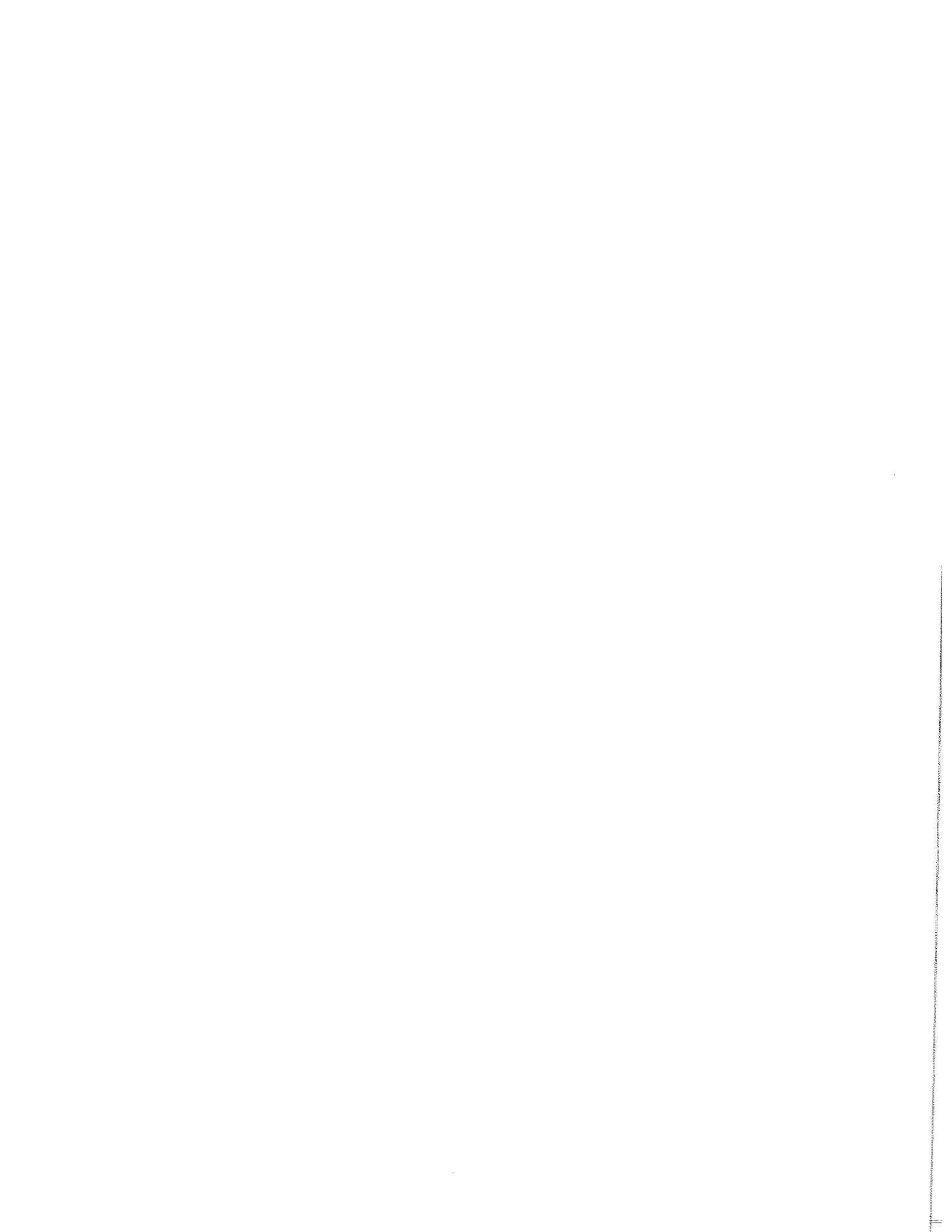
James D. Kurtz
President, RER Energy Group

Accepted and Agreed:

Signature: _____

Printed Name _____
Commissioner, Bedford County, PA

Date: Dec. 14, 2017



Debra Brown

From: Donald Schwartz
Sent: Thursday, December 14, 2017 3:14 PM
To: Commissioner Dallara
Subject: RE: Draft Letter of Intent for Bedford Co. Jail / Courthouse

Barry,

I have looked over all of the documents. Give me a call when you can. I will be here this afternoon and all day tomorrow.

Don

From: Commissioner Dallara
Sent: Thursday, December 14, 2017 12:23 PM
To: Donald Schwartz <dschwartz@bedfordcountypa.org>
Subject: Fwd: Draft Letter of Intent for Bedford Co. Jail / Courthouse

Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@rerenergygroup.com>
Date: December 14, 2017 at 9:08:33 AM EST
To: dbrown@bedfordcountypa.org, cdallara@bedfordcountypa.org,
pcrooks@bedfordcountypa.org, jlang@bedfordcountypa.org, bdallara@bedfordcountypa.org,
Larry Myers <Larry.Myers@schneider-electric.com>
Subject: Draft Letter of Intent for Bedford Co. Jail / Courthouse

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It was a pleasure having lunch with you gentlemen and we are looking forward to working with you on this project, and saving the taxpayers of Bedford County significant dollars.

Sincerely Yours,

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



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rose@rerenergygroup.com • www.rerenergygroup.com

News at RER Energy Group

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Debra Brown

From: Donald Schwartz
Sent: Friday, December 15, 2017 9:55 AM
To: Commissioner Dallara
Subject: RE: Draft Letter of Intent for Bedford Co. Jail / Courthouse
Attachments: Solar Panel Project.pdf

Barry,

Before we speak here are my comments and an attached map that Rachel made.

1. Based upon our review of the Bedford Township land development ordinance, we feel that a land development plan will have to be approved by the Township since the project involves the construction of "structures."
2. The materials provided by RER clearly show two proposed sites for development across the street from the prison and **on private property**. Two parcels are shown on the RER map – one is about 5 acres and one is about 1.5 acres. Why are they showing development on private property?
3. The map that I have attached shows the two parcels on the east side of Imlertown Road, as well as the parcel on the prison property that you indicated would be used for site development. It measures about 5 acres. Is this enough land? Or do they really need the total of 6.5 acres shown on private property across the road?
4. The blue color on our map includes the 100-year floodplain and Dunning Creek. Any development in the floodplain will be very difficult. And the proposed connection points to PENELEC are shown by RER as crossing from east to west through the floodplain, wetlands and Dunning Creek. This could be problematic.

Give a call.

Don

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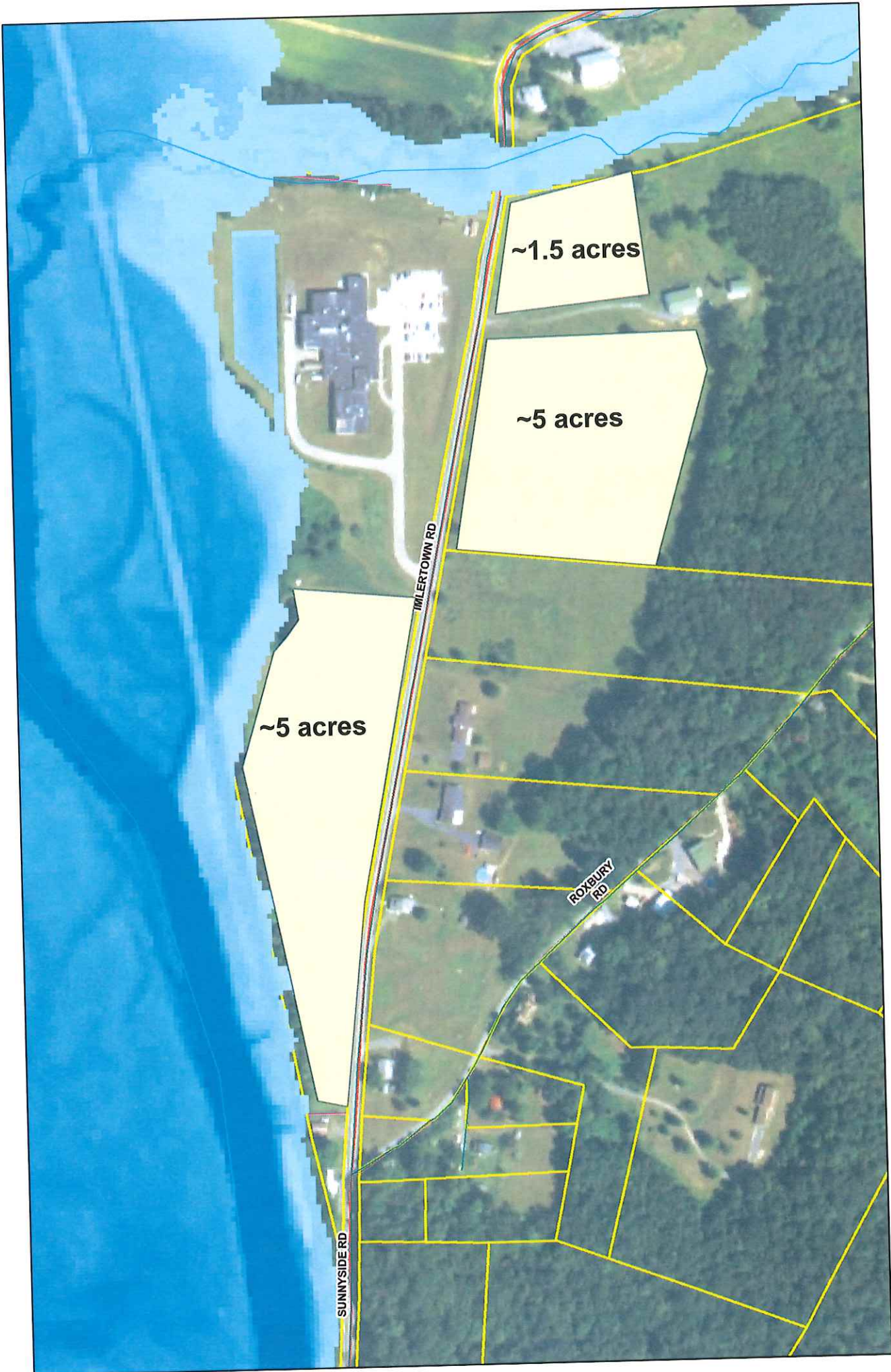
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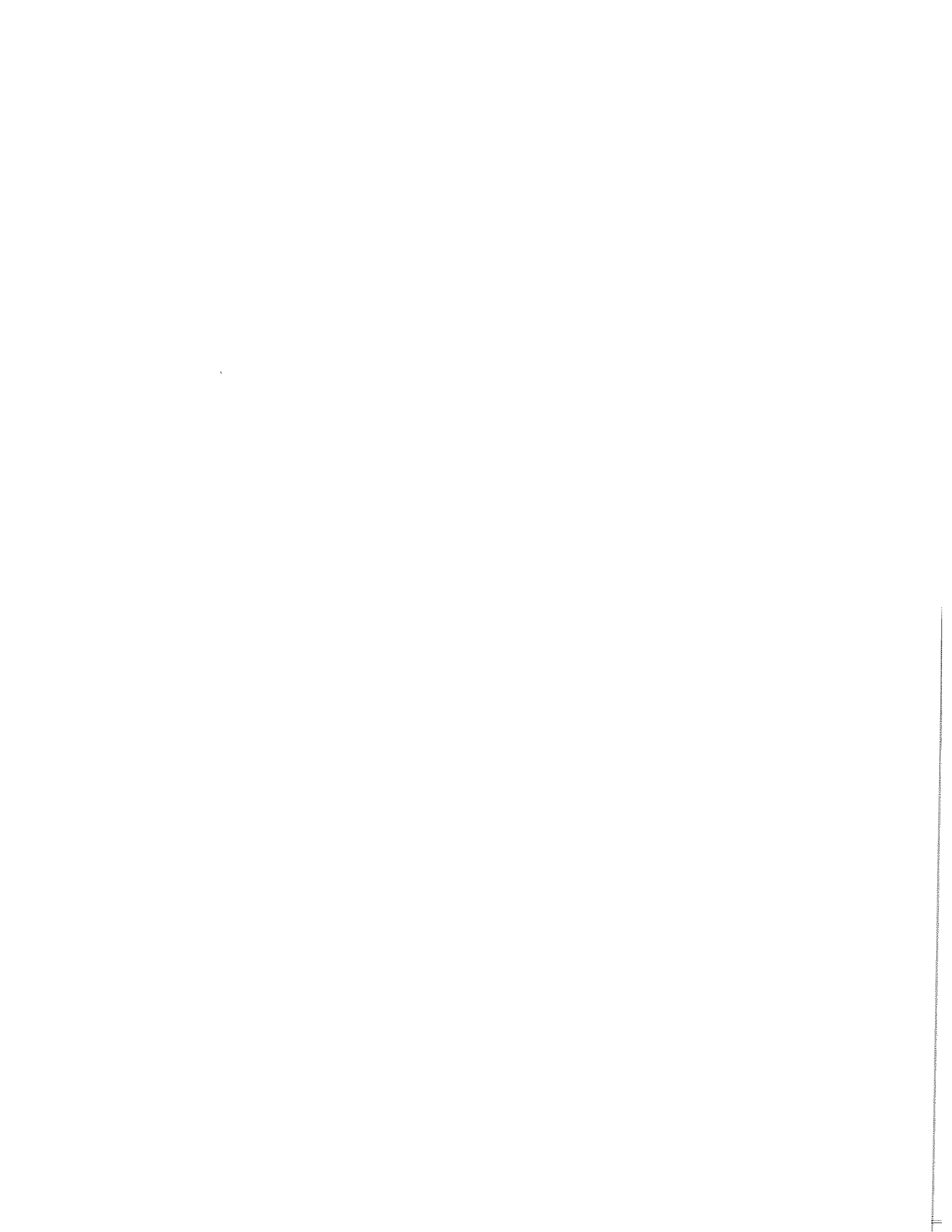
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From: Commissioner Dallara
Sent: Friday, December 15, 2017 10:06 AM
To: Larry Myers
Subject: Fwd: Draft Letter of Intent for Bedford Co. Jail / Courthouse
Attachments: Solar Panel Project.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Donald Schwartz <dschwartz@bedfordcountypa.org>
Date: December 15, 2017 at 9:54:53 AM EST
To: Commissioner Dallara <bdallara@bedfordcountypa.org>
Subject: RE: Draft Letter of Intent for Bedford Co. Jail / Courthouse

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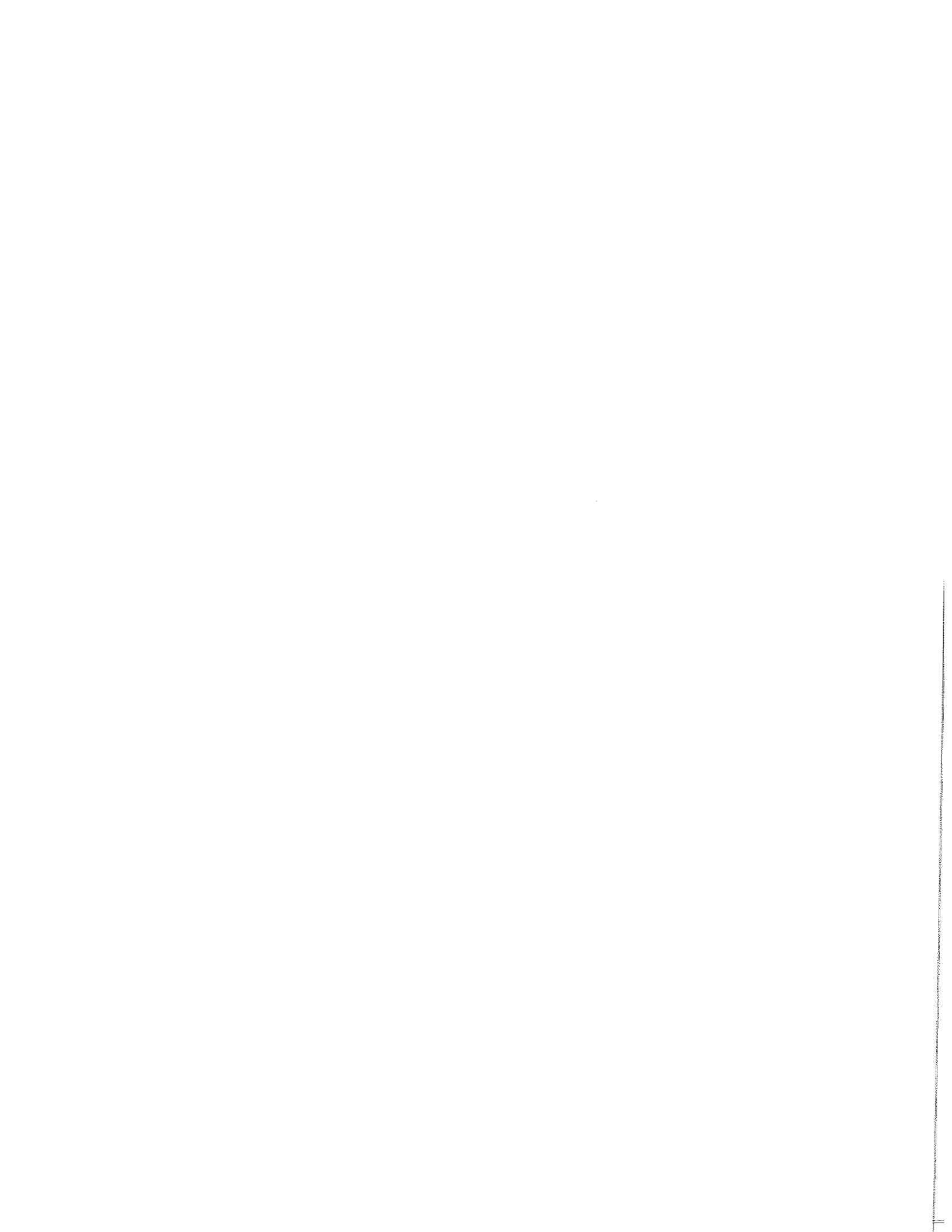


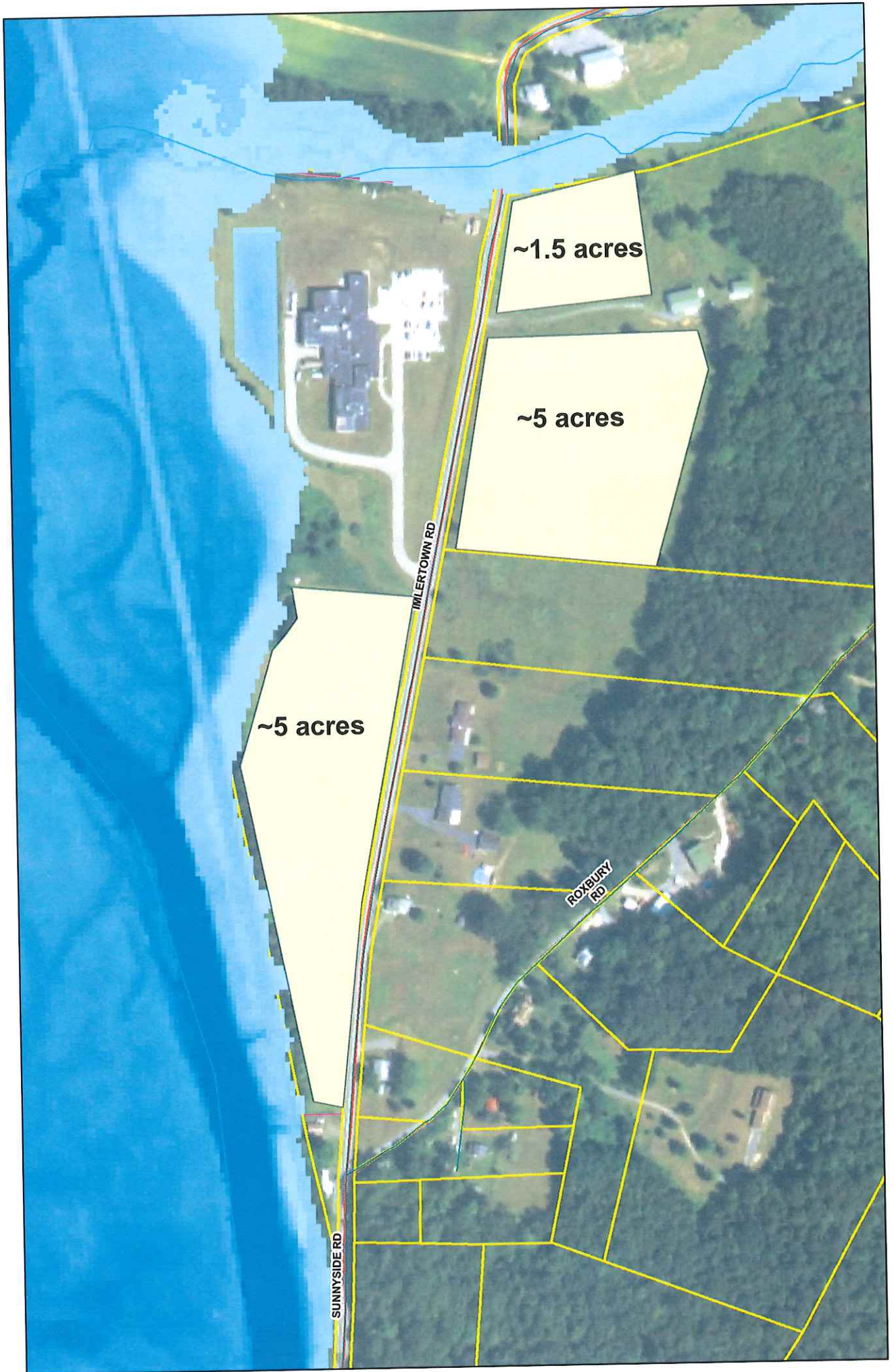
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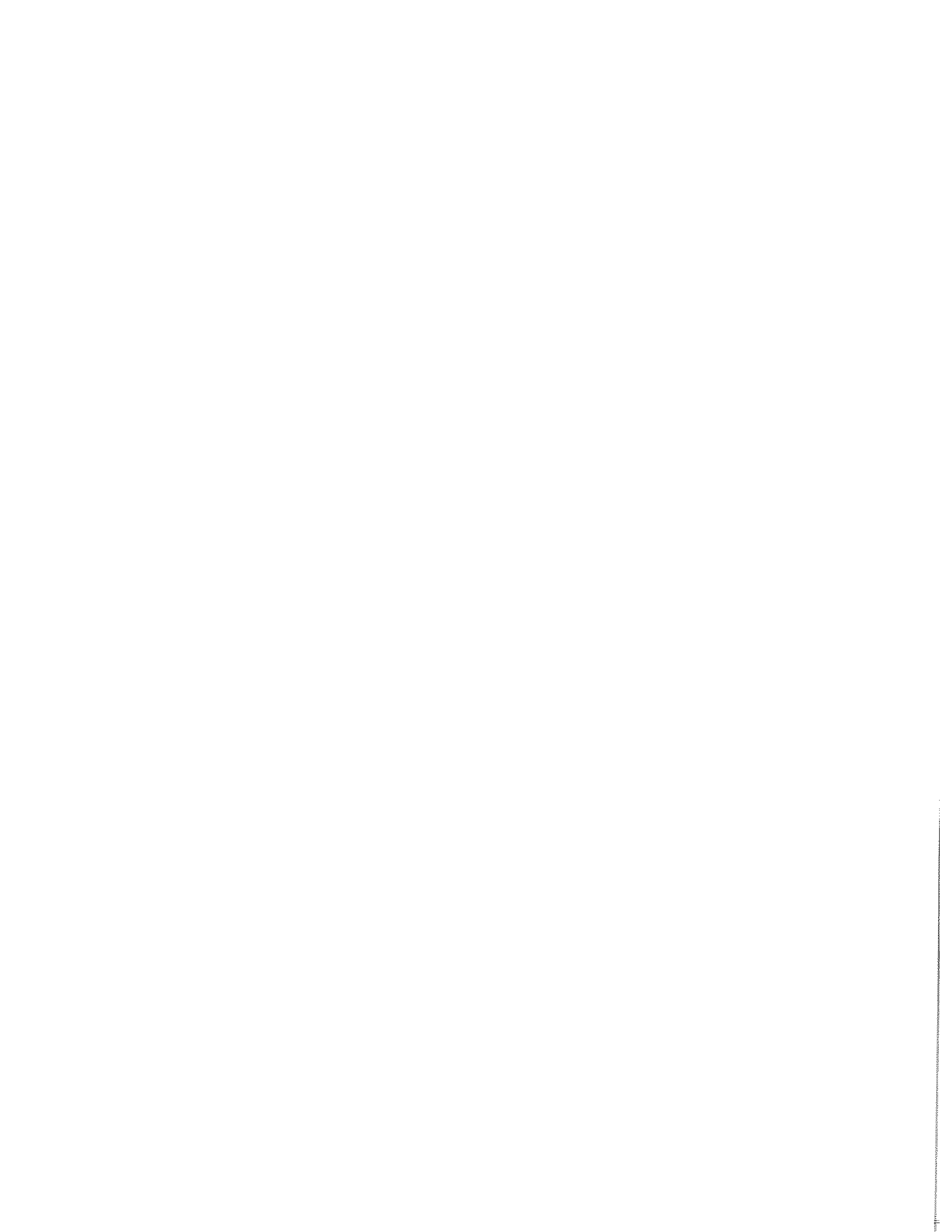
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Sent: Friday, December 15, 2017 12:40 PM
To: rrose@rerenergygroup.com
Cc: Commissioner Dallara; larry.myers@schneider-electric.com
Subject: Bedford County Correctional Facility Solar Power Project
Attachments: RER Energy Group Bedford Township 12-15-17.doc

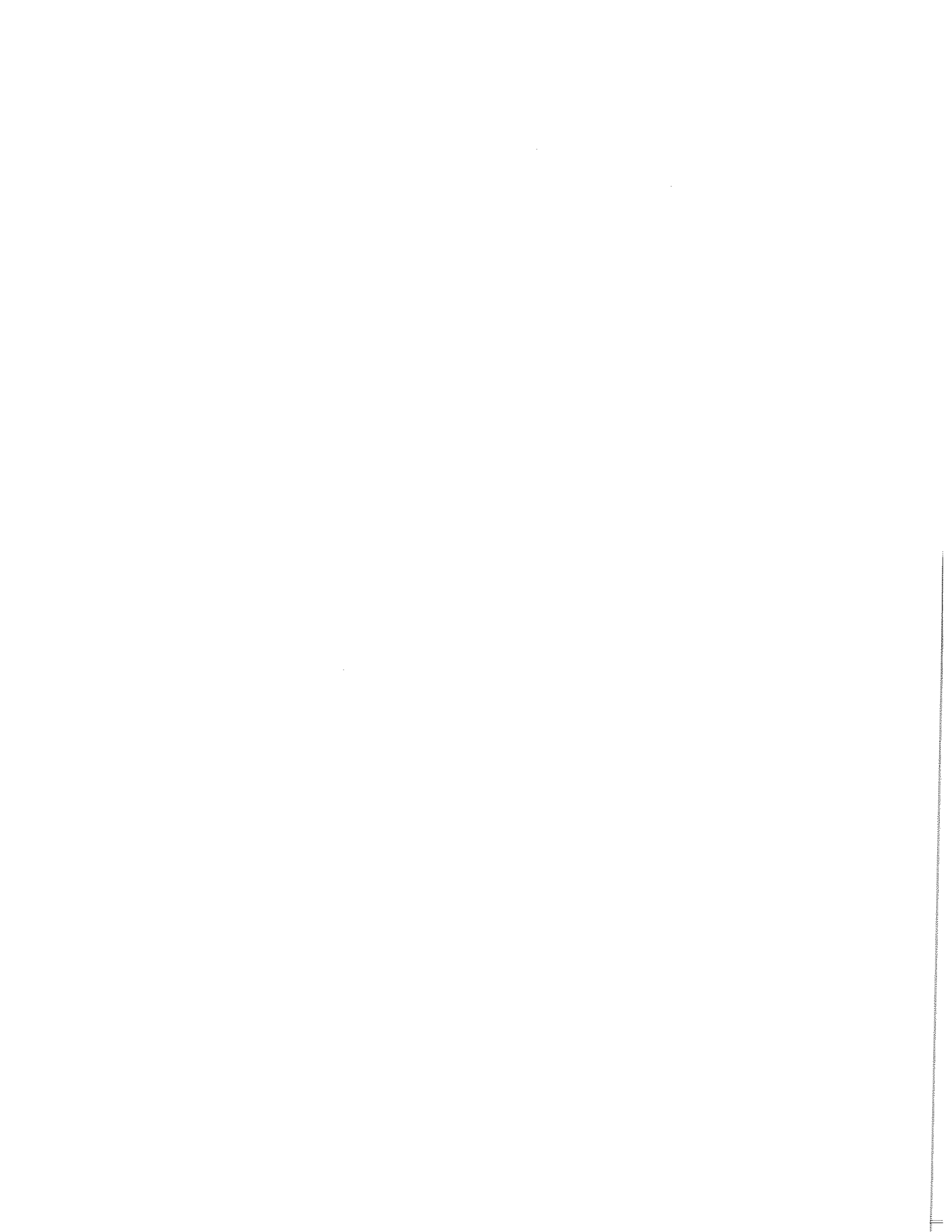
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Donald Schwartz
Director
Bedford County Planning Commission
200 S. Juliana Street
Bedford, PA 15522

(w) 814.623.4827
(c) 570.768.7552
(f) 814.623.5964





DONALD P. SCHWARTZ
Director

BEDFORD COUNTY PLANNING COMMISSION

200 SOUTH JULIANA STREET
BEDFORD, PENNSYLVANIA 15522

TELEPHONE: 814-623-4827

FAX: 814-623-5964 E-mail: dschwartz@bedfordcountypa.org

TTY-TDD: 1-800-654-5984

WAYNE KOONTZ
Chairman

JOSEPH BAREFOOT
ROBERT DETWILER
ERNEST FULLER
KIMBERLEY LEYDIG
SUSAN RAMIREZ
MARY STANLEY
CHARLES SWARTZWELDER
PANDORA WERTZ

December 15, 2017

Mr. Rodney G. Rose, Esq.
RER Energy Group
4700 Pottsville Pike
Reading, PA 19605

Dear Mr. Rose:

I am writing after having reviewed the materials submitted by your firm regarding the proposed solar power generation project located at the Bedford County Correctional Facility. I have also spoken with Mr. Larry Myers and Commissioner Barry Dallara to discuss several questions I had based upon my review.

Bedford County does not have a subdivision and land development ordinance (SALDO) and thus the final approval of the project will rest with Bedford Township Supervisors in accordance with the Township's SALDO. Any structures constructed within the Special Flood Hazard Area near the Facility (SFHA = 100 year floodplain) will also have to meet the requirements of the Township's Floodplain Management Ordinance, as well as any other requirements of the Bedford County Conservation District.

The project as described is consistent with Bedford County Comprehensive Plan of December 19, 2006. Objective 3.7 of the Plan states that the County should "Develop strategies to address the energy needs of Bedford County." Further, Action 3.7.2 is to "Develop land development and siting standards that support the appropriate development of renewable energy sources...".

This project would clearly be the first—and major – step towards the development of a renewable, clean energy source (solar power) at the County level. It would join a local solar array project currently providing power at the Broad Top Township wastewater treatment plant.

The Comprehensive Plan also includes a Natural Resources Action Plan to protect the County's extensive natural resources. The use of solar power for this project will result in the elimination of CO₂ emissions equivalent to 344 cars or 3844 barrels of oil per year, reducing air pollution and the potential impact on global warming.

The Planning Commission provides its full support for the project as an economic enhancement to the county taxpayers, and also through the implementation of a clean, renewable energy source for a number of County facilities. Hopefully, it will provide an example for future solar energy projects.

Please contact me if I may be of further assistance and best of luck with your funding application.

Sincerely,

Donald Schwartz
Director

C: Commissioners
Bedford County Planning Commission
Mr. Larry Myers, Schneider Electric

Debra Brown

From: Commissioner Dallara
Sent: Friday, December 15, 2017 12:44 PM
To: Donald Schwartz
Cc: rrose@rerenergygroup.com; larry.myers@schneider-electric.com
Subject: Re: Bedford County Correctional Facility Solar Power Project

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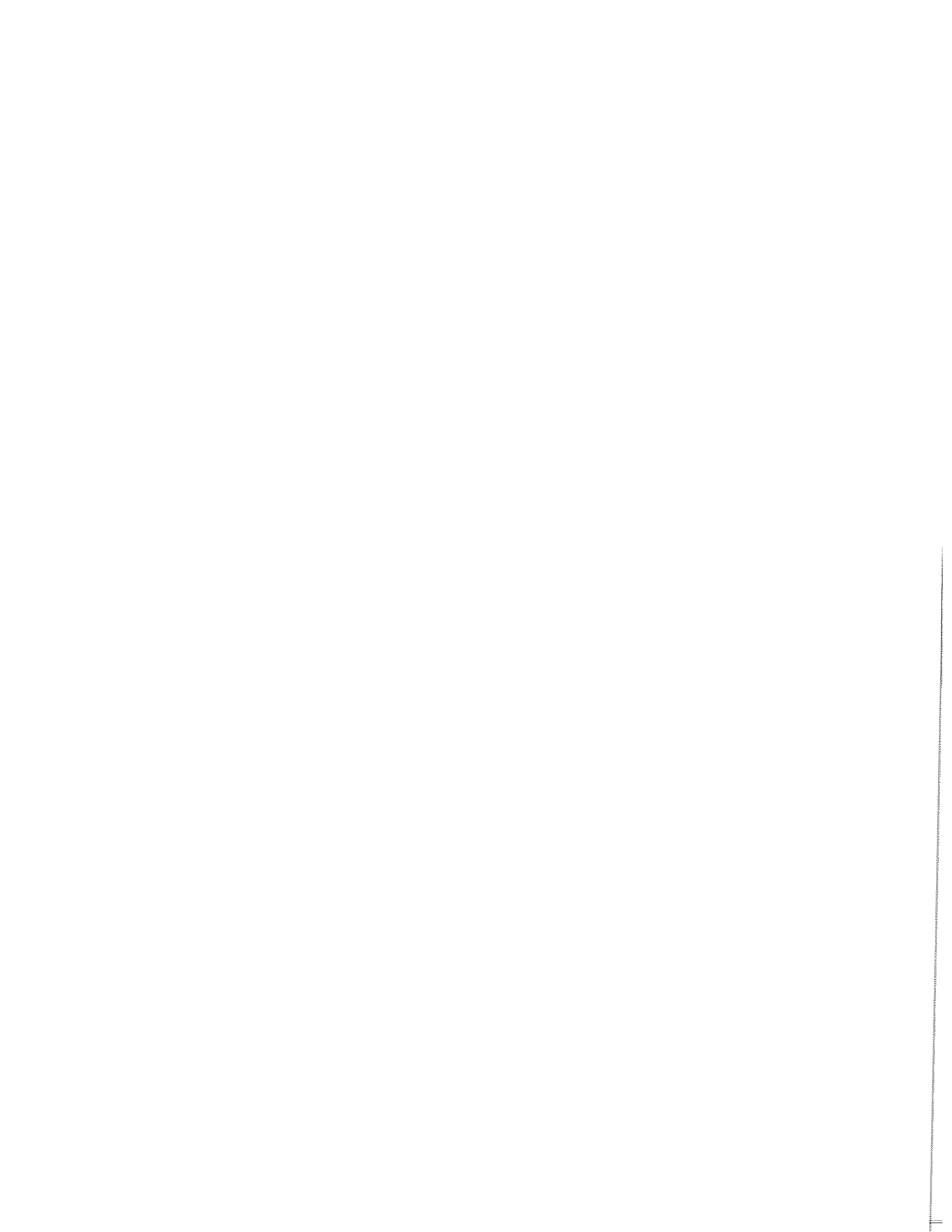
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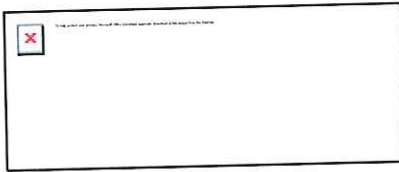
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Attachments: Bedford County Jail Prelim Layout 2017 1214 (1).pdf

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Solar Potential

Preliminary Analysis Shows The Following Solar Capa



Bedford County Jail
425 Imlertown Rd
Bedford PA 15522

Total Solar Arrays
System Size: 1,840 kW DC
5,332 Solar Modules (345 Watts Each)
Annual Production: 2,479,617 kWh



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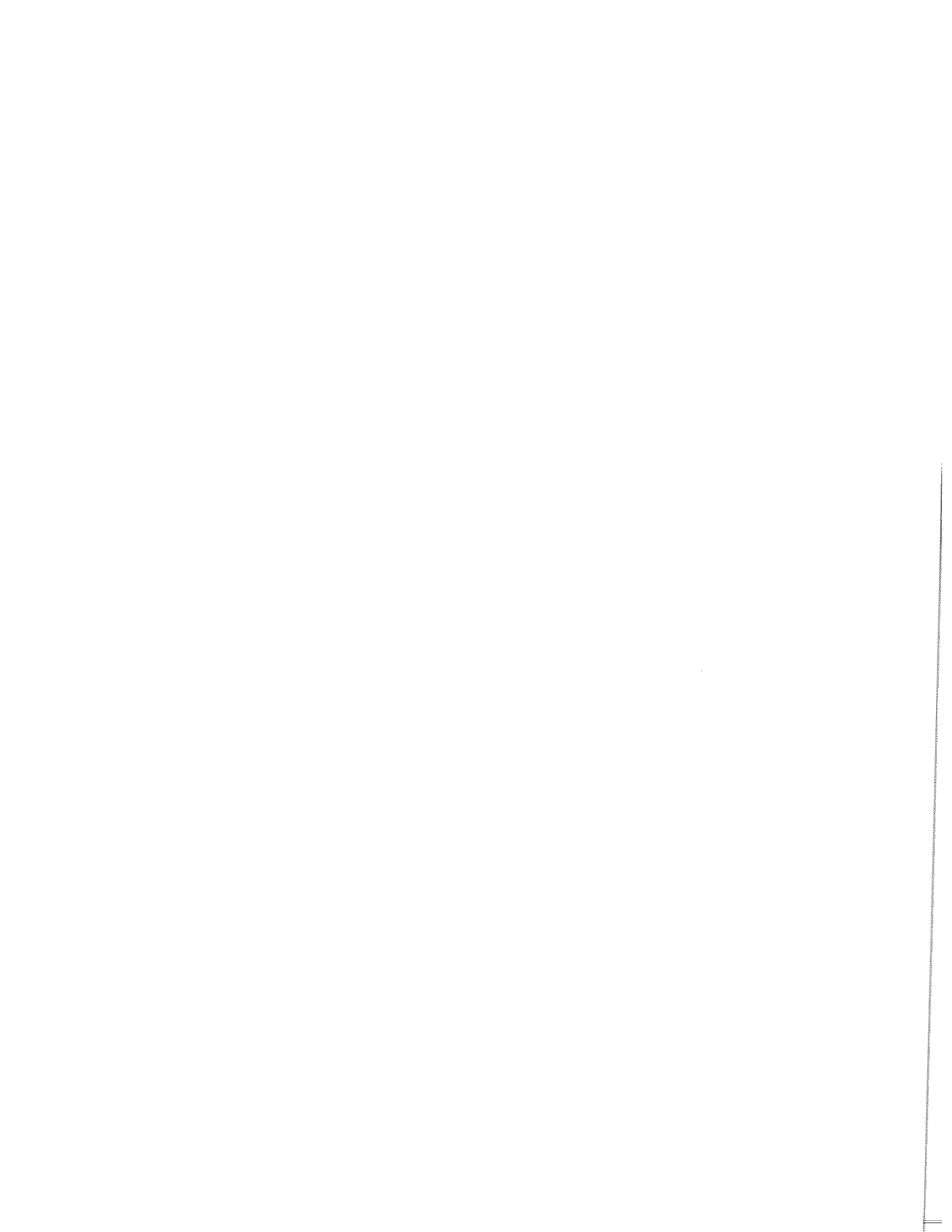
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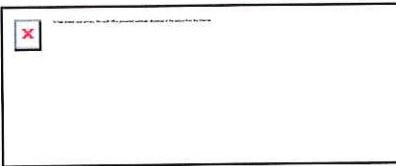


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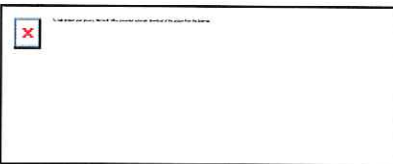
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Subject: RE: Bedford County Correctional Facility Solar Power Project
Attachments: RER Energy Group Bedford Township 12-15-17.pdf

All,

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Don, why are we mentioning the flood plain when, as we discussed earlier today, that there is no indication any part of the structure is intended to be constructed in the flood plain.

Sent from my iPad

On Dec 15, 2017, at 12:39 PM, Donald Schwartz <dschwartz@bedfordcountypa.org> wrote:

Mr. Rose,

Please see the attached draft letter of consistency from the Bedford County Planning Commission concerning the proposed solar project at the Bedford County Correctional Facility. I will be here the rest of today and next Tuesday and Wednesday if you suggest any changes. After that I will be off for the remainder of the year, with the possible exception of one day between Christmas and New Year's.

Don

Donald Schwartz

Director

Bedford County Planning Commission

[200 S. Juliana Street](#)

[Bedford, PA 15522](#)

(w) [814.623.4827](tel:814.623.4827)

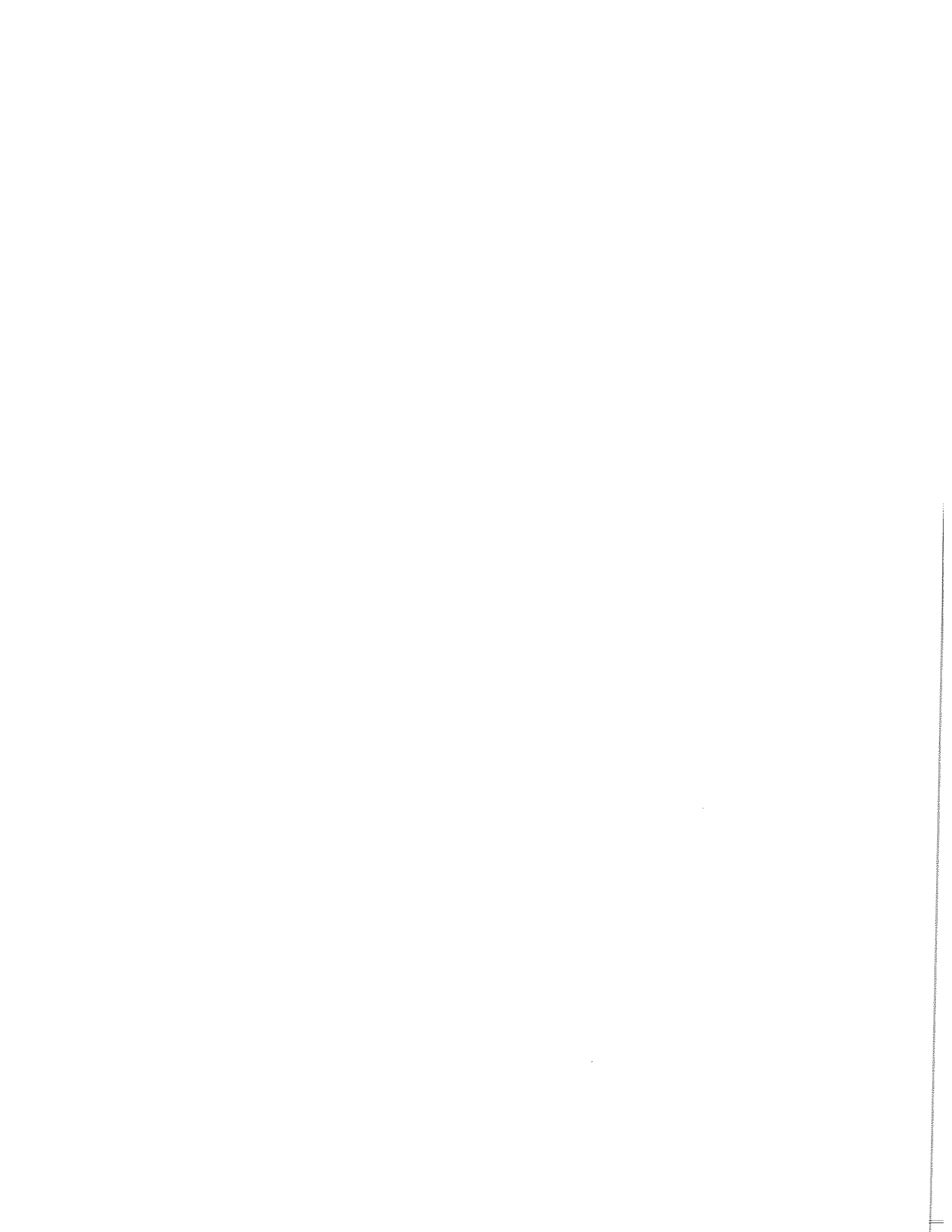
(c) [570.768.7552](tel:570.768.7552)

(f) [814.623.5964](tel:814.623.5964)

<RER Energy Group Bedford Township 12-15-17.doc>

ExchangeDefender Message Security: [Check Authenticity](#)

ExchangeDefender Message Security: [Check Authenticity](#)





DONALD P. SCHWARTZ
Director

BEDFORD COUNTY PLANNING COMMISSION

200 SOUTH JULIANA STREET
BEDFORD, PENNSYLVANIA 15522

TELEPHONE: 814-623-4827

FAX: 814-623-5964 E-mail: dschwartz@bedfordcountypa.org
TTY-TDD: 1-800-654-5984

WAYNE KOONTZ
Chairman

JOSEPH BAREFOOT
ROBERT DETWILER
ERNEST FULLER
KIMBERLEY LEYDIG
SUSAN RAMIREZ
MARY STANLEY
CHARLES SWARTZWELDER
PANDORA WERTZ

December 15, 2017

Mr. Rodney G. Rose, Esq.
RER Energy Group
4700 Pottsville Pike
Reading, PA 19605

Dear Mr. Rose:

I am writing after having reviewed the materials submitted by your firm regarding the proposed solar power generation project located at the Bedford County Correctional Facility. I have also spoken with Mr. Larry Myers and Commissioner Barry Dallara to discuss several questions I had based upon my review.

Bedford County does not have a subdivision and land development ordinance (SALDO) and thus the final approval of the project will rest with Bedford Township Supervisors in accordance with the Township's SALDO and any other relevant ordinances.

The project as described is consistent with Bedford County Comprehensive Plan of December 19, 2006. Objective 3.7 of the Plan states that the County should "Develop strategies to address the energy needs of Bedford County." Further, Action 3.7.2 is to "Develop land development and siting standards that support the appropriate development of renewable energy sources...".

This project would clearly be the first—and major – step towards the development of a renewable, clean energy source (solar power) at the County level. It would join a local solar array project currently providing power at the Broad Top Township wastewater treatment plant.

The Comprehensive Plan also includes a Natural Resources Action Plan to protect the County's extensive natural resources. The use of solar power for this project will result in the elimination of CO2 emissions equivalent to 344 cars or 3844 barrels of oil per year, reducing air pollution and the potential impact on global warming.

The Planning Commission provides its full support for the project as an economic enhancement to the county taxpayers, and also through the implementation of a clean, renewable energy source for a number of County facilities. Hopefully, it will provide an example for future solar energy projects.

Please contact me if I may be of further assistance and best of luck with your funding application.

Sincerely,

A handwritten signature in cursive script that reads "Donald Schwartz". The signature is written in black ink and is positioned above the printed name.

Donald Schwartz
Director

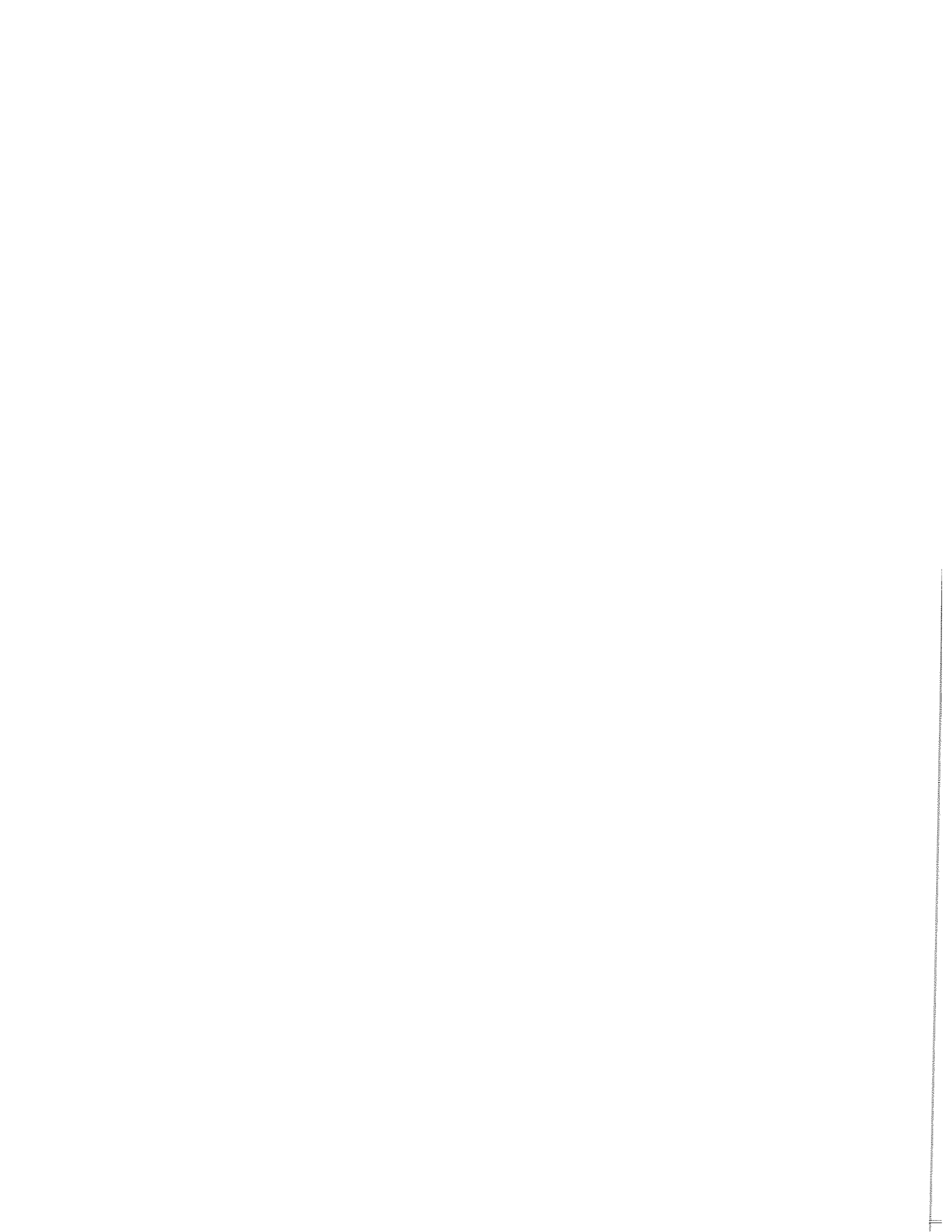
C: Commissioners
Bedford County Planning Commission
Mr. Larry Myers, Schneider Electric

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, December 19, 2017 11:22 AM
To: dcrabtree.kclaw@comcast.net
Subject: Letter of intent for Solar Project

Dean, could you please give us a green light on applying for the proposed solar project grant application at the BCCF. This is just a letter of intent to apply for the grant. If funded we still can select not to go forward with the project. Please let us know as soon as u can.

Sent from my iPhone

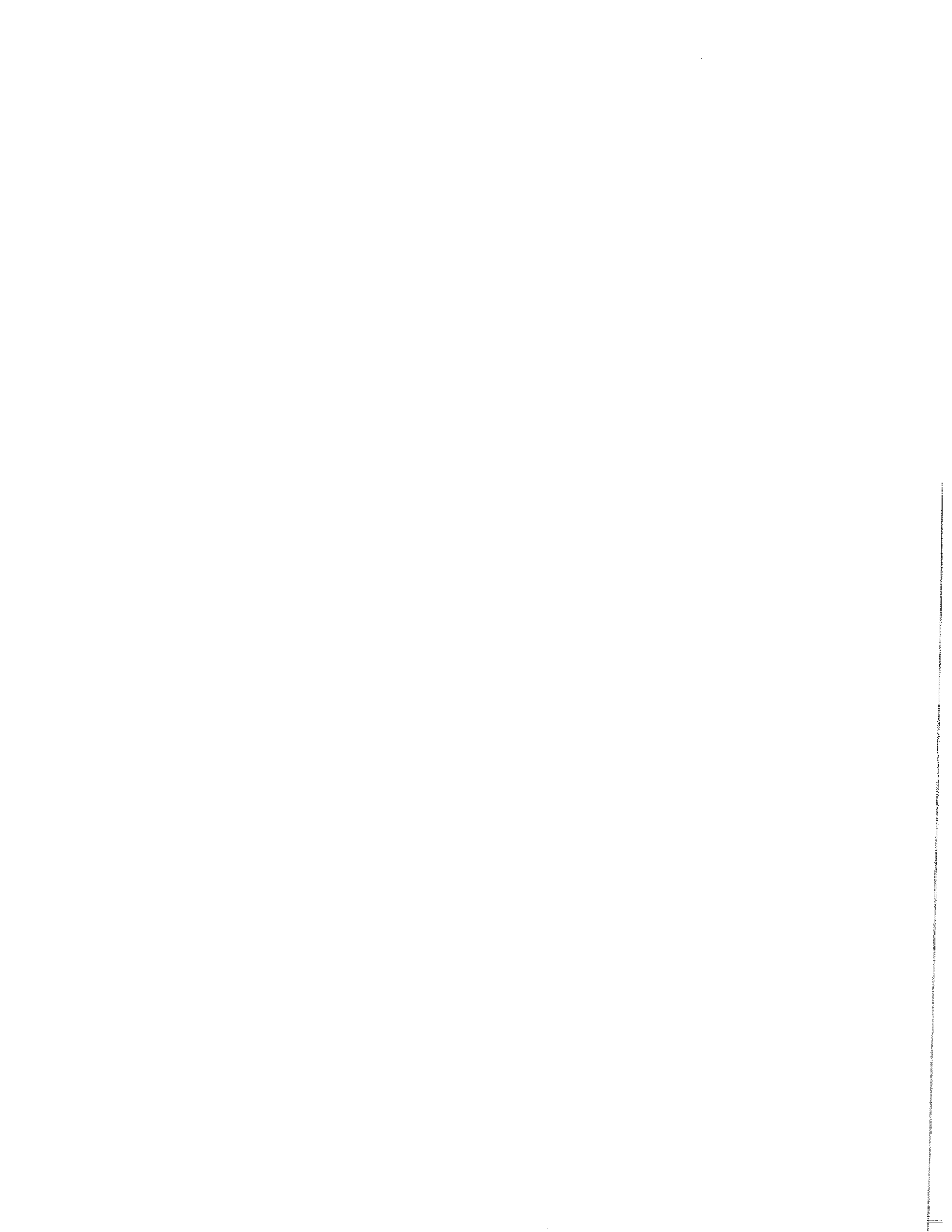


Debra Brown

From: Commissioner Dallara
Sent: Wednesday, December 20, 2017 10:30 AM
To: Commissioner Lang; Commissioner Crooks
Cc: Debra Brown
Subject: Letter of intent to participate in solar energy project

Josh, I spoke briefly to Commissioner Crooks regarding any concerns he might have regarding forwarding the letter of intent to Atty Rose to participate in the solar energy. We both agree that we should forward the letter ASAP. We are ok if you sign it or we all can sign it if necessary.

Sent from my iPhone



Debra Brown

From: Commissioner Dallara
Sent: Thursday, February 1, 2018 12:40 PM
To: Rodney Rose
Cc: Commissioner Lang; Debra Brown
Subject: Re: Solar Proposal Follow Up from RER / DCED

Rodney, letter is drafted, planning commission has provided a plot map to attach to letter. As soon as deputy chief clerk returns from lunch we will forward it to you with chair commissioner's signature. If you need additional info or changes to letter please advise, and yes chief clerk is still out.

Sent from my iPhone

On Feb 1, 2018, at 12:26 PM, Rodney Rose <rrose@reenergygroup.com> wrote:

These are Perfect Commissioner Lang. Thank you for the rapid response.

Thanks again

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



Corporate: 4700 Pottsville Pike, Reading, PA 19605
Regional offices serving CT, DE, MD, NJ, NY and PA

c: 301-992-3007 • f: 888-712-0734
rrose@reenergygroup.com • www.reenergygroup.com

News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World

On Thu, Feb 1, 2018 at 12:22 PM, Commissioner Lang <jang@bedfordcountypa.org> wrote:

Please see attached. Let me know if this suffices.

From: Rodney Rose [mailto:rrose@reenergygroup.com]
Sent: Thursday, February 01, 2018 12:05 PM

To: Commissioner Lang
Cc: Commissioner Dallara; Debra Brown
Subject: Re: Solar Proposal Follow Up from RER / DCED

Commissioners and Ms. Brown,

Could you please provide me with a status update on the requested letter from the Commissioners stating that the Bedford County Government has ownership and site control of the County Jail Property on Imlertown Road. We have a 4pm conference call with the CFA officials and I was hoping to have a signed version of the document in case the question comes up during the call.

Please let me know if that time frame is doable.

Thank you. If you have any questions, please contact me at [301-992-3007](tel:301-992-3007).

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



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rrose@reenergygroup.com • www.reenergygroup.com

News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World

On Wed, Jan 31, 2018 at 10:41 AM, Rodney Rose <rrose@reenergygroup.com> wrote:

Thank you Commissioner Lang.

Ms. Brown, if you have any questions, please contact me at [301-992-3007](tel:301-992-3007).

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



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rrose@rerenergygroup.com • www.rerenergygroup.com

News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World

On Tue, Jan 30, 2018 at 2:13 PM, Commissioner Lang <jlang@bedfordcountypa.org> wrote:

Thanks, will get it prepared. Deb, please prepare. Thanks.

Josh

From: Rodney Rose [mailto:rrose@rerenergygroup.com]
Sent: Tuesday, January 30, 2018 2:11 PM
To: Commissioner Dallara; Commissioner Lang
Subject: Solar Proposal Follow Up from RER / DCED

Gentlemen,

Good news on the solar program. The DCED is currently reviewing your application for completeness and are ready to approve sending it to the board for final consideration. During our call the only thing they have asked us for is a letter from the commissioners (on letterhead) stating that the property located at [425 Imlertown Road](#) (Jail) where the array is to be located, is owned by Bedford County.

Other than that, they went through our budget proposal, engineering and equipment review and were satisfied and pleased with all other submitted material. They asked if we could possibly have this letter to them by close of business on Friday, if possible.

Please call me with any questions and verify you received this message.

Thanks again and I will keep you updated on all progress.

Sincerely,

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



Corporate: 4700 Pottsville Pike, Reading, PA 19605
Regional offices serving CT, DE, MD, NJ, NY and PA

c: [301-992-3007](tel:301-992-3007) • f: [888-712-0734](tel:888-712-0734)
rose@reenergygroup.com • www.reenergygroup.com

News at RER Energy Group

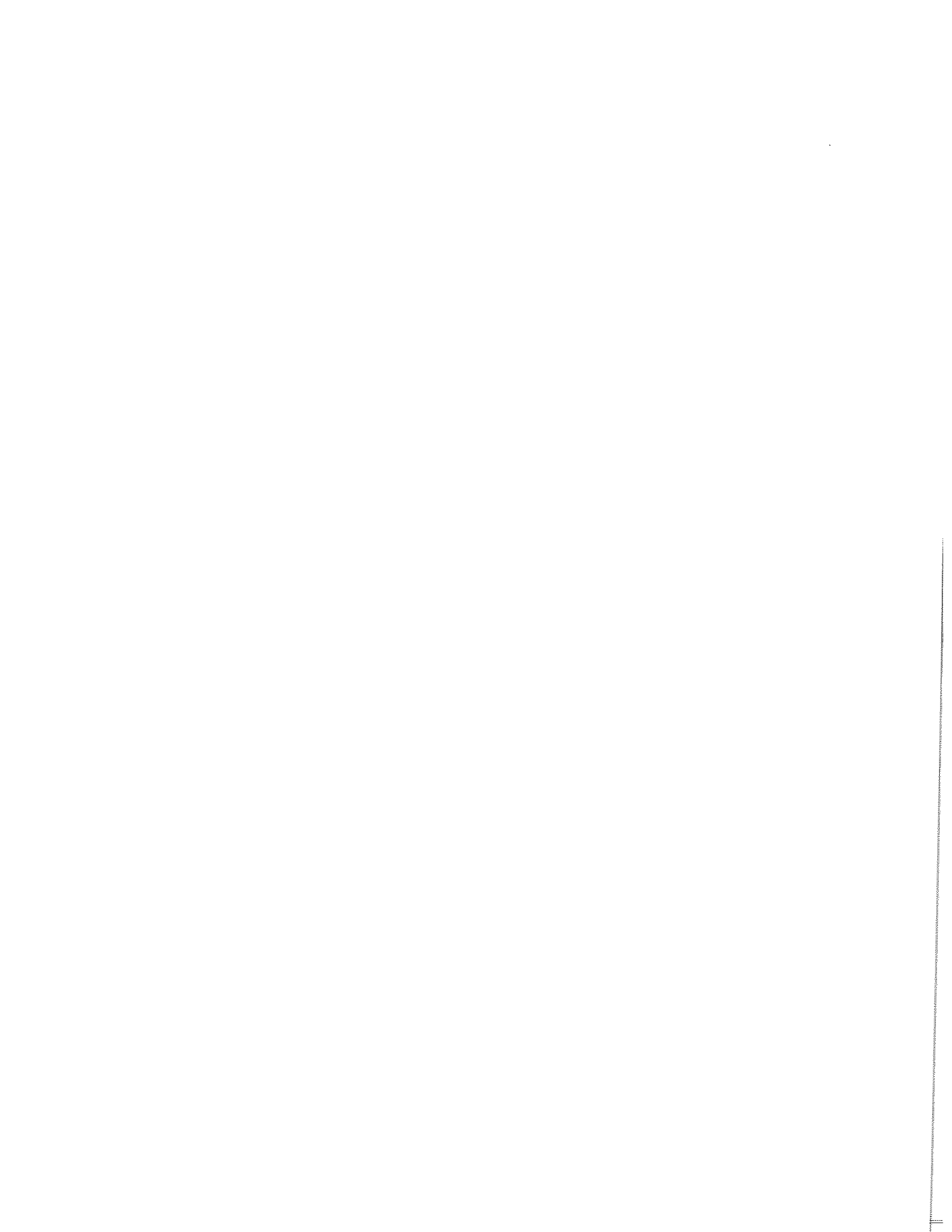
- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Commissioner Dallara
Sent: Monday, March 5, 2018 9:47 AM
To: Debra Brown
Subject: Exhibit 1 Bedford County Jail Executive Summary.pdf
Attachments: Exhibit 1 Bedford County Jail Executive Summary.pdf; ATT00001.txt

Please print 2copies



Sent from my iPhone

701 West Kimberly Ave.,
Suite 220 Placentia, CA 92870
P: 657-444-2690
www.gesyw.com



January 18, 2018
Ryan Emerson, Administrator
Department of Community Economic Development
Commonwealth Financing Authority

Re: CFA Grant Application, Exhibits 1 a - n
Applicant: Bedford 58 Solar, LLC (Parent Company: General Energy Solutions, Inc.)
Bedford County Jail and Courthouse Facilities

Dear Mr. Emerson,

Please accept the following documents and exhibits as supporting documentation for the Application submitted by Bedford 58 Solar, LLC for the Commonwealth Financing Authority Grant Funding for the Solar Energy Program (SEP) for a solar project at the Bedford County Jail and Courthouse Facilities. Bedford County has signed a PPA agreement to purchase the energy created by a +/-1,830 kW DC Solar installation on site at their Bedford County Jail and Courthouse Facilities in Bedford, PA. This agreement is contingent on receiving the requested grant funds from the CFA Program articulated in the attached application.

EXHIBIT 1(A) - The Proposed solar array is an 1,830 kW DC Ground-Mounted solar array located at the Bedford County Jail, Bedford County, Pennsylvania. The Bedford County Jail and Courthouse Facilities will be the off-takers of the energy that will be produced. Development of an 1,830 kW Solar Array under this PPA agreement will lower the cost of electricity for the Bedford County Government and its citizen taxpayers, freeing up resources which will likely save the citizens of Bedford County from tax rate increases to meet the expanding operational costs of the Bedford County Jail. The Bedford County Jail is the largest line-item in the Bedford County budget, and electricity payments are the largest cost of operations at the facility. Bedford County Jail is currently serviced by the Bedford Rural Electric Co-Op which has experienced an average 3% escalation cost to energy services in recent years. Implementing this Solar facility will generate savings which the Bedford County Government can use for other operational needs to serve their citizens.

EXHIBIT 1(B) - The Project will be located at the Bedford County Jail Complex on Imlertown Road, Bedford, PA. The anticipated acreage requirement for the project is +/- 6.0 Acres. If the design or interconnection process would lead us to need more space, additional land of up to 8+ acres are available at the Bedford County Jail Site, adjacent to the proposed array location.

EXHIBIT 1(C) - This project will be located in Bedford, Pennsylvania. According to Bedford County Economic Development commission, Bedford County has 49,868 permanent residents, of whom 28,988 are currently in the local workforce. The primary employers in the area are manufacturing, industrial and agricultural in nature. The Bedford County Census indicates there has been a 2.9 % growth in population from 2010 to 2015.

Significant portions of Bedford County fall within a designated Keystone Opportunity Zone, including the I-99 Corridor KOZ and the BCDA II KOZ. Recently, Bedford has seen some long-standing manufacturing facilities with deep history in the Community, shutter their doors, only to be replaced with new companies with a primarily technical and bio-industrial focus. The single largest County expenditure is the operation of the county Jail facility. The Bedford County Jail is open and operational 24/7/365 and maintains a capacity of 171 beds at 5 different correctional levels. There are currently 52 Full-Time Staff members employed at the Bedford County Jail.

EXHIBIT 1(D) - Over the last 25+ years, the site for proposed solar development on Imlertown Rd, in Bedford, PA, has only been used as a County Corrections campus. There is no other planned development at the location. The County maintains substantial lands in and around the location as a "buffer" to enhance security capabilities at the Jail Facility.

EXHIBIT 1 (E) - Development of the 1,830 kW PV Solar Array will produce 2,472,050 kWh annually. Total estimated cost per Watt of the array is \$1.81. The project cost will be paid for with Commonwealth Financing Authority program funds of \$0.49 per Watt or 27% of the Total Project Cost. The Remaining funds will be provided by General Energy Solutions (GES).

EXHIBIT 1(F) - General Energy Solutions Inc. (GES) is a leading solar energy company with the expertise to provide customized solutions across the globe to develop, engineer, construct, finance and operate projects to provide a low-carbon, sustainable future. The team consists of experienced project developers, financial advisors, and specialists, who all have an extensive

track record in this industry. They are proud to be the team that designed, built, financed and operate the world's largest airport solar project (25 MW) in Indianapolis, IN. GES has developed over 200 MW throughout the world, and developed an active pipeline of more than 300 MW.

GES has partnered with RER Energy Group on multiple projects since 2015, financing projects such as RER's Cedar Falls 1.9 MW Utility Community solar project in Iowa, as well as a 1.5 MW project in CT and a series of projects in the Boston area totalling 5 MW. Through these numerous collaborations, GES and RER have developed a strong working alliance that enables them to seamlessly execute complex projects.

RER Energy Group is a Solar Developer/EPC which has developed over 40 MW of PV Solar Projects since its founding in 2009. Headquartered in Reading, PA, RER Energy Group was named a Top 50 Solar Project Developer by Solar Power World Magazine and rated the #1 Commercial Solar Developer in Pennsylvania in 2015 & 2016. **Please see attached Qualifications Summaries for greater detail.**

EXHIBIT 1(G) – The Bedford County Board of Supervisors have entered into a 25 Year PPA Agreement to purchase energy generated from the project. The PPA Agreement will begin at final commissioning of the project and extend for 25 calendar years, unless Peters Township choses early buyout of the system, per the terms of the PPA Agreement. As the PPA is signed and permissions have been preliminarily received from the Municipal Authority and Planning Commission, this project is shovel ready. It is anticipated that given traditional permitting and materials timelines, initial construction would begin prior to 8/1/18 with substantial completion, interconnection and commissioning by 12/31/18. Current estimate of project timeline is below:

WEEK	TASK	Estimated Date for Project
1	Finalize Installation Agreement (pending successful award of CFA by end of March)	Early April, 2018
2	Structural & electrical review, engineering, submit interconnection	Early April

8	Interconnection approval; submit building & electrical permit packages; order materials	Start Mid to Late April
12	Permit approvals; receive materials & begin construction	Early July
26	Substantial completion	Mid-September
28	Final interconnection and system commissioning	Late November
30	Training and close out meeting	Early December, 2018

EXHIBIT 1(H) - The solar project will create 25 jobs for six to nine months through project development and construction. The project will also reduce the operating costs of the Bedford County Jail Facility which includes 52 Full-time staff including the following people:

- Warden
- Dpty. Warden
- Captain of Staff
- Line Personnel (Correctional Officers) (34)
- Kitchen, Food Service and Commissary Staff
- Medical Office and Infirmary Personal (Doctor, Nurses, Nurse's Aide)

The resident population of Bedford County, PA per the 2014 Census Report is 48,868 persons.

EXHIBIT 1(I) - Today, The Bedford County Regional Jail Facility purchases electricity from the Grid via The Bedford Rural Electrical Cooperative. Implementing the solar array will reduce the reliance on the resources of the Co-Op, which use fossil fuels to generate electricity. The array is expected to enable The Bedford County Jail and Courthouse facilities to procure over 90 % of their estimated energy needs from renewable sources.

EXHIBIT 1(J) - The 1,830 kW Solar Array will generate an estimated 2,472,050 kWh of energy in year one. Over the 30-year expected life span of the project (and factoring in degradation) the

system will generate an estimated 69,027,452 kWh for use by the Bedford County Jail and Courthouse. The method for determination of the anticipated production was the NREL PV Watts Calculator.

EXHIBIT 1(K) – Environmental Benefits

By installing a solar electricity system, Bedford County Government will be doing its part to reduce global warming, air pollution, natural disasters and ultimately preserve our planet.

The proposed 1,830 kW photovoltaic system is estimated to generate 2,472,050 kWh of clean energy each year (calculated using the NREL PV Watts Calculator). 2,472,050 kWh of clean energy is equivalent to any of the following:

- 1,654 metric tons of Carbon Dioxide (CO₂) from entering into the environment.
- Annual greenhouse gas emissions from 344 cars
- CO₂ emissions from 185,263 gallons of gasoline consumed.
- CO₂ emissions 3,844 barrels of oil consumed.
- Carbon sequestered annually by 1,354 acres of U.S. forests
- Greenhouse gas emission avoided by recycling 618 tons of waste.

EXHIBIT 1 (L) - Current energy cost per kWh for Supply of Energy to The Bedford County Jail through the Bedford Rural Electric Co-Op is \$0.101 per kWh with an annual anticipated escalation of 3%. This PPA will create significant energy cost savings by locking in a price of \$0.0635 per kWh with a 2% annual escalation rate. As The Bedford county Jail operates 24-Hours Per Day, 365 days a year, with greatest demand occurring during peak daytime demand times, which coincide with peak sun/solar production hours, the Bedford County Jail and Courthouse will significantly reduce its draw from the grid during times of highest demand. This should reduce its impact on grid congestion during the times of greatest need.

EXHIBIT 1 (M) - The signed PPA Agreement is attached to this submission. This PPA identifies the size of the proposed array as approximately 1,830 kW. As is typical of solar projects, more detailed engineering and project layouts done after the PPA agreement was signed have led us to refine the plans to current estimated size of 1,838 kW, well within the margin of adjustment

permitted in the PPA. The interconnection point will be at the existing meter of The Bedford County Jail. An interconnection application will be submitted to the utility, Bedford County Rural Electrical Cooperative, upon finalization of all agreements and contracts.

EXHIBIT 1 (N) – Equipment for Project Installation

Modules

- CSUN 325W-345W Solar PV Modules – Nanjing, China or Bloomberg Tier One Product equivalent

Inverters

- Chint Inverters – China - CPS 50/60kW 1000Vdc Model String Inverters or Bloomberg Tier One Product equivalent

Racking

- RBI Solar (Cincinnati, OH), GameChange (New York, NY) or equivalent pile driven or ballasted racking systems (To be determined following final geotechnical analysis of proposed array location)

Debra Brown

From: Commissioner Dallara
Sent: Monday, March 5, 2018 8:48 PM
To: rrose@reenergygroup.com
Subject: Bedford Solar Projects

Rod, thank u for the excellent overview of the concerns raised as a result of Mr Karp contacting you directly without others on the CFA board being made aware of his actions. I would like to provide Rep Topper the information you have shared with Mrs. Slayton and myself. Are you ok with me forwarding Jesse Topper and Wayne Langerholtz our state senator your email. Jesse is available for lunch Friday and I'll try and confirm Wayne's availability tomorrow.

Sent from my iPhone

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, March 6, 2018 11:14 AM
To: Debra Brown
Subject: Fwd: Bedford Solar Projects - CFA / Michael Karp Call

Sent from my iPhone

Begin forwarded message:

From: Bette Slayton <slayton@bcda.org>
Date: March 5, 2018 at 7:21:25 PM EST
To: Rodney Rose <rrose@reenergygroup.com>, Commissioner Dallara <bdallara@bedfordcountypa.org>
Subject: RE: Bedford Solar Projects - CFA / Michael Karp Call

Thanks for your excellent overview. I'll reach out to Scott Dunkelberger in the morning. Shall let you know once I've connected with him.

From: Rodney Rose [<mailto:rrose@reenergygroup.com>]
Sent: Monday, March 05, 2018 7:09 PM
To: Commissioner Dallara <bdallara@bedfordcountypa.org>; Bette Slayton <slayton@bcda.org>
Subject: Bedford Solar Projects - CFA / Michael Karp Call

Ms. Slayton and Com. Dallara,

Thank you for the conversation this afternoon. Below are a few bullet points from our conversation with CFA Board Member Michael Karp, who informed us that there is virtually no way he will support any grants in the CFA SEP Program, because he is against the program in general. Mr. Karp contacted us to discuss projects on Friday and was outwardly against the program in general and the use of state funds for this program.

We are concerned that he is unilaterally defunding a program, established by the Governor, and fully funded by the legislature, not based on the merits of the application, as is his charge, but rather because of his own personal and political bias against the program. The CFA program requires unanimous consent of the board, including Mr. Karp.

We are further concerned that he contacted us, without the consent or knowledge of the rest of the Board and has asked us to provide additional materials for consideration. Furthermore, he has attempted to unilaterally negotiate with us on the amounts requested telling us to "cut the amounts by 50% and we can talk". These requests are concerning as they are not above water with the rest of the Board or knowledge of the CFA officials. We believe that these requests need to be transparent to all members. Additionally, as you know, we have already cut the margins of these programs down to the minimum levels the investors will allow, while maximizing the returns for your projects.

We do not believe that Mr. Karp has reached out to any other developers as of yet, but cannot confirm this.

This is not the first time Mr. Karp has killed the entire round of solar applications. In 2010, the first iteration of this CFA SEP program, all of the final applications were struck down by his vote and no solar project ever received funding from CFA. All of the final applications received a vote of 6-1. Six members of the CFA Committee for funding and only Karp against.

Mr. Karp also stated that he would prefer to use the funds for Community Solar when that program is active in PA. (Problem being, that Community Solar needs to be passed by the legislature and has been defeated in all attempts. Maryland took 7 years to pass Community Solar and its regulations drafting. Again the federal tax credit begins its wind down next year making Mr. Karp's assertion of Community Solar as an alternative moot) Furthermore, the funds are allocated for the CFA Solar Energy Program and cannot be reallocated for any other program, despite Mr. Karp's assertion otherwise.

Here are a few other bullet points from the call;

- Karp essentially believes it's an inappropriate use of taxpayer money to subsidize any other organization's energy costs.
- He claims to be a supporter of renewable energy programs in general, but has vetoed all Solar Program Applications
- He seems to be an advocate of community solar or other programs that may help residents and LMI (Low/Moderate Income) individuals but has vetoed all previous applications.
- He appears to want to delay the distribution of the \$30MM in order to support a different program that would accomplish his goals and focus. He does not understand that delay will cause the loss of the 30% federal Tax Credit incentive which makes these programs pencil for the investors and provide maximum return for the recipients.
- He claims to want to better leverage the \$30MM through lower grant amounts, which he attempted to negotiate with us, or through using the funds as loans or in other ways, but again, has vetoed all previous applications.
- He has asked us to brainstorm to come up with a different program or better justification of why the current program as written is a good use of funds.
- He asked us to get back to him this week. We will not respond to him alone, as we feel this is not transparent to the Board, but will include all CFA Board Members on all communication.

We would like to discuss these issues with the elected officials in the county to judge their opinion of Mr. Karp's actions and discuss a possible path forward to receive the Grant.

Again, thanks for the conversation this afternoon. We are still hopeful that the Bedford projects will move forward and are doing our best to bring these projects and the savings to the citizens of Bedford County. Please let us know if there are additional questions, and if there is the opportunity to meet with the officials later this week.

Sincerely,

Rodney G. Rose, Esq.

General Counsel and Director of Business Development



Head Office: 1000 Pennsylvania Avenue, Suite 400, Washington, DC 20004
Regional Offices: Reading, PA 19605; Baltimore, MD; New York, NY; and PA

Phone: 1-800-368-7334
Fax: 1-800-368-7334

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, March 7, 2018 4:47 PM
To: Rodney Rose
Subject: Re: Barb Diehl

Will do

Sent from my iPhone

On Mar 7, 2018, at 4:22 PM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Barry,

If Possible, please call or email Barb Diehl from the Borough, and invite her into the meet with Jesse Topper and Wayne Langerholc (possibly) on Friday.

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



Corporate: 4700 Pottsville Pike, Reading, PA 19605
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News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
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Debra Brown

From: Commissioner Dallara
Sent: Thursday, March 8, 2018 9:53 AM
To: Rodney Rose
Subject: Re: Barb Diehl

Rod, I have invited Barb Diehl to tomorrow's lunch meeting with Jesse Topper. Also Sen Wayne Langerholc will join the meeting by 12:30. Can you give me any additional updates regarding preferred strategy as to how we can support our projects prior to the March 16, 2018 hearing.

Sent from my iPhone

On Mar 7, 2018, at 4:22 PM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Barry,

If Possible, please call or email Barb Diehl from the Borough, and invite her into the meet with Jesse Topper and Wayne Langerholc (possibly) on Friday.

Rodney G. Rose, Esq.

General Counsel and Director of Business Development



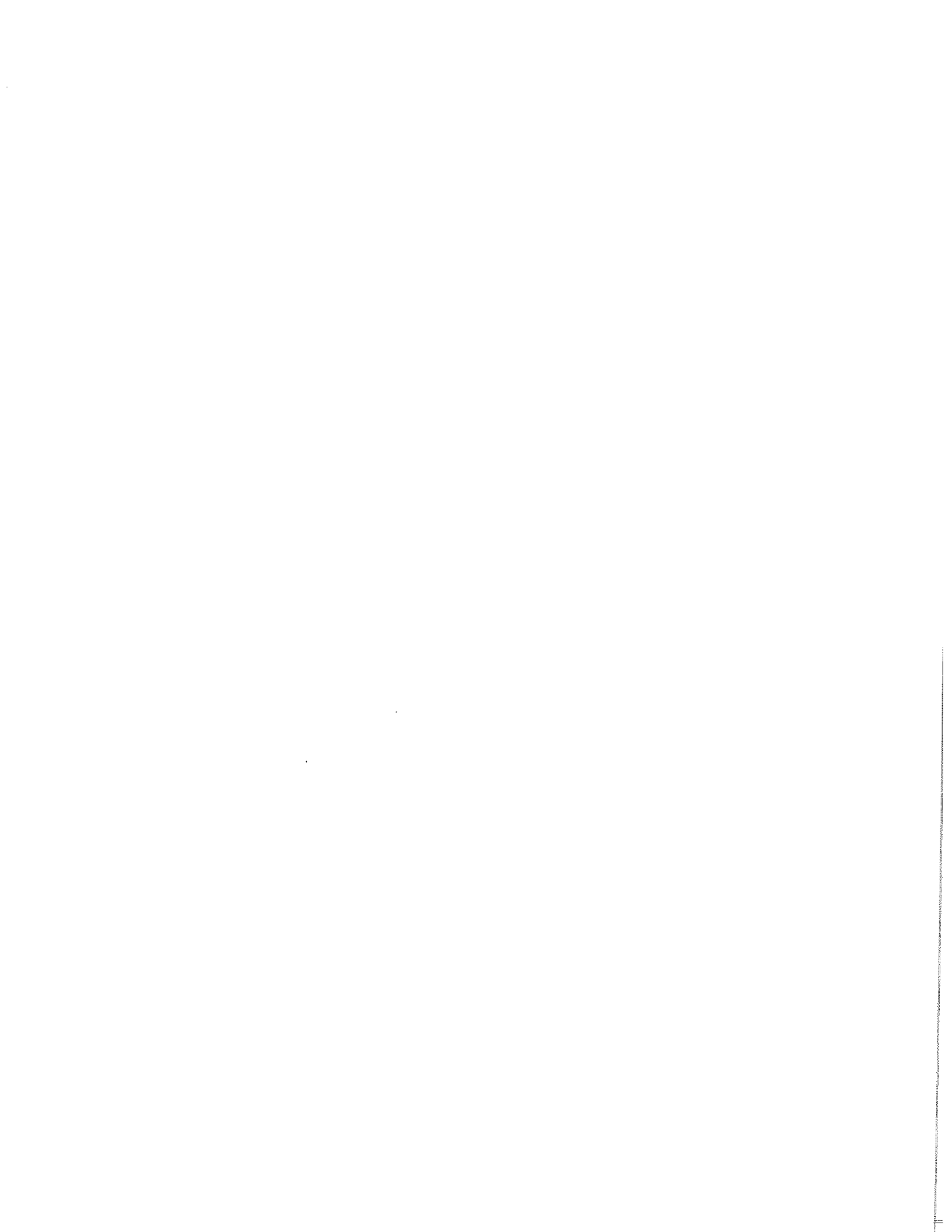
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Debra Brown

From: Commissioner Dallara
Sent: Thursday, March 8, 2018 10:32 AM
To: Rodney Rose
Subject: Re: Barb Diehl

Yes I will make myself available. Also would like to discuss if we still want testimony to be offered on the 16th. Additionally I would like to develop a contingency plan to find other ways to fund the county project if we aren't funded by the CFA. I will be meeting with our bond underwriters on March 18, 2018 to discuss the same if that becomes necessary to keep the project alive.

Sent from my iPhone

On Mar 8, 2018, at 10:17 AM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Barry,

I am in a meeting for the better part of the morning. I will call you this afternoon and discuss. We have a draft version of the letter for you to provide to the Officials and are awaiting it to be approved by the bosses before getting a final copy to you. Are you available around 2pm this afternoon for a update call?

Rodney G. Rose, Esq.

General Counsel and Director of Business Development



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rrose@rerenergygroup.com • www.rerenergygroup.com

News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World

On Thu, Mar 8, 2018 at 9:52 AM, Commissioner Dallara <bdallara@bedfordcountypa.org> wrote:
Rod, I have invited Barb Diehl to tomorrow's lunch meeting with Jesse Topper. Also Sen Wayne Langerholc will join the meeting by 12:30. Can you give me any additional updates regarding preferred strategy as to how we can support our projects prior to the March 16, 2018 hearing.

Sent from my iPhone

On Mar 7, 2018, at 4:22 PM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Barry,

If Possible, please call or email Barb Diehl from the Borough, and invite her into the meet with Jesse Topper and Wayne Langerholc (possibly) on Friday.

Rodney G. Rose, Esq.

General Counsel and Director of Business Development



Corporate: [4700 Pottsville Pike, Reading, PA 19605](#)

Regional offices serving CT, DE, MD, NJ, NY and PA

c: [301-992-3007](tel:301-992-3007) • f: [888-712-0734](tel:888-712-0734)

rrose@rerenergygroup.com • www.rerenergygroup.com

News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, March 8, 2018 3:31 PM
To: Larry Myers; Barbara Diehl; Commissioner Dallara
Subject: CFA Applications Letter
Attachments: Bedford Letter CFA FINAL.pdf

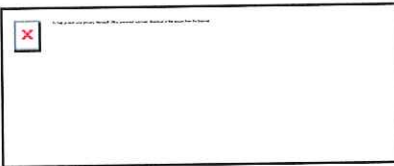
Please see the attached letter summarizing the concerns we have discussed regarding the CFA Applications for both projects located in Bedford County being approved by the CFA Board. I understand that you will be sharing the content of this letter with other local elected officials and understand if they feel the need to reach out with any questions or need additional clarification as to the content of this letter.

Again, we are still hopeful that these projects will pass the CFA Board review as we are steadfast in our belief that these projects are good business for the citizens of Bedford and will bring positive impact in savings and environmental impact to the Bedford Community

Sincerely,

Rodney G. Rose, Esq.

General Counsel and Director of Business Development



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Empower Your World.

March 8, 2018

Barbara Diehl, Bedford Borough Director &
Barry Dallara, Bedford Co. (PA) Commissioner
Larry Myers, Bedford Municipal Authority

RE: Commonwealth Financing Authority Applications:
Borough of Bedford Municipal Authority
Bedford Co. Jail and Courthouse

Dear Ms. Diehl, Commissioner Dallara, and Mr. Myers

In the interest of keeping you up to date on CFA developments, I am reaching out to let you know some of the issues Michael Karp, one of the Commonwealth Financing Authority Board Members, raised on a call he made to RER last Friday. Mr. Karp reached out to us to ask a number of specific questions about projects and requested that we contact all of the clients on whose behalf we submitted projects to see whether they would be willing to further negotiate some pricing in order to negotiate with him somehow for a reduced Grant Award per project.

As we tried to communicate to Mr. Karp on that call, each project RER submitted is the culmination of several months of negotiations and development efforts, with conservative requests for grant funding. In fact, mindful of the highly competitive nature of the CFA Grant Program, as well as the scarcity and value of Pennsylvania taxpayer funding for such Projects, RER sought, with each grant request, to minimize the amount of the Grant request, well below the 50% threshold, while still keeping the IRR's high enough to attract real financing commitments from truly qualified investors, since that is how solar projects actually get built.

Many of the questions raised by Mr. Karp were along the lines of: "why should the taxpayers of Pennsylvania subsidize the energy prices to be paid by any of these applicants?" We emphasized that for businesses and for municipalities, lower energy prices provide many direct and indirect benefits for individual taxpayers by creating ongoing local jobs and lower tax rates for essential public services. Given Mr. Karp's request that we go back and look at every project, and talk with each of our clients to be certain that each project, as submitted, represents the "best deal" for all concerned, we have conducted this diligence and remain convinced that the requests for funding made are the best possible use of these taxpayer funds.

We also tried to communicate to Mr. Karp that while deployment of Solar in the Residential sector has made a comeback in the last year or two, deployment of Solar in the Commercial



Empower Your World.

and non-profit sectors (municipalities and NGOs) has lagged far behind. Because of the long lead time for Projects to get built, this CFA Grant Program represents the best chance for Pennsylvania's businesses, non-profits and Municipalities to get the advantages and a long term affordable energy price from Solar. Projects not built by December 31, 2019 will no longer qualify for the 30% federal Investment Tax Credit, which, when coupled with accelerated depreciation deductions, allows Pennsylvanians to get their share of those substantial federal tax dollars. Choosing not to deploy the CFA Grant monies on Solar Projects that qualify for CFA Grant funding would mean that Pennsylvanians will be subsidizing other state's residents in the deployment of solar in their communities, without allowing Pennsylvanians to get their share.

We are hopeful that the CFA will agree and that some grants will be awarded, however, we felt you should be aware of the above in light of your strong interest in bringing two of these projects to fruition.

Very sincerely,

Rodney G. Rose, Esq.

Rodney G. Rose, Esq.

Director of Business Development

RER Energy Group

Debra Brown

From: Commissioner Dallara
Sent: Monday, March 12, 2018 10:29 AM
To: Jesse Topper; Gwen Dando
Subject: Fwd: System Statistics for Jesse Topper

Summary information about the two Bedford County Solar projects
Sent from my iPhone

Begin forwarded message:

From: Larry Myers <Larry.Myers@schneider-electric.com>
Date: March 12, 2018 at 10:07:28 AM EDT
To: Commissioner Dallara <bdallara@bedfordcountypa.org>
Cc: "Barbara Diehl (bdiehl@bedboro.com)" <bdiehl@bedboro.com>
Subject: System Statistics for Jesse Topper

Barry:

Here are the stats for Jesse. Please pass these along to him.

Thanks,
Larry

Both projects are established as a Power Purchase Agreement (An agreement by the public entity to buy all power produced at a contracted rate).

	Bedford County	Bedford Borough
System Capacity	~1.838 MW	~1.405 MW
Annual Production	2,342,200 KWh	1,748,500 KWh
Grant Funds Requested	\$900,698	\$800,000
Grant \$/Watt	\$0.490	\$0.569
Anticipated Cumulative Savings (over 30 years)	\$5.313 M	\$3.560 M
1 st Year PPA Rate	\$0.064 / KWh	\$0.052 / KWh

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services

larry.myers@schneider-electric.com

D +1 814.937.7602

Fx +1 717.232.8187 (Harrisburg)

Fx +1 814.569.1978 (Bedford)

W www.enable.schneider-electric.com/

4431 N. Front Street Suite 100
Harrisburg, PA 17110
United States



****Please consider the environment before printing this email****

Debra Brown

From: Commissioner Dallara
Sent: Monday, March 12, 2018 3:14 PM
To: Barbara Diehl
Cc: Larry.Myers@schneider-electric.com; Bill Leibfreid
Subject: Re: Meeting This Friday (Harrisburg)

Thank u Barb for the update

Sent from my iPhone

On Mar 12, 2018, at 2:42 PM, Barbara Diehl <bdiehl@bedboro.com> wrote:

Larry, Mayor & Barry –

Thank you again for taking the time to meet last week to further discuss our applications on the solar panel opportunity.

Bill Blackburn was the Council Member who was planning to attend with us on Friday. I spoke with Bill briefly after our lunch and updated him on the plans for Friday's trip. I mentioned to Bill that he didn't need to attend if he had other plans or a busy work schedule. I explained that we may/or may not get the opportunity to speak. Bill would still like to meet us at 8:30am (here at the Borough Office) and follow us to the discussion in Harrisburg. He was planning to visit and spend the rest of the day in that area regardless – so he said he'll just plan to drive separately.

Just wanted to update you.

Thanks -

Barbara

Barbara E. Diehl | Borough Manager

Borough of Bedford | 244 West Penn Street | Bedford, PA 15522-1226

Email: bdiehl@bedboro.com Site: www.bedboro.com

Phone: (814) 623-8192

Fax: (814) 623-3315

Cell: (814) 285-7048

"Whatever the mind of man can conceive and believe, it can achieve." ~ Napoleon Hill

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, March 20, 2018 11:43 AM
To: Debra Brown
Subject: Gazette article

Deb can u scan and email me the article in today's Gazette about our solar project approval

Sent from my iPhone

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, March 20, 2018 12:01 PM
To: Debra Brown
Subject: Re: Gazette article

Thank u

Sent from my iPhone

> On Mar 20, 2018, at 11:54 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:
>
> Here you go!
>
> -----Original Message-----
> From: Commissioner Dallara
> Sent: Tuesday, March 20, 2018 11:43 AM
> To: Debra Brown
> Subject: Gazette article
>
> Deb can u scan and email me the article in today's Gazette about our solar project approval
>
> Sent from my iPhone
> <solar grant article.PDF>

Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Friday, March 23, 2018 2:20 PM
To: Troy Nelson; Tony Dixon
Subject: Fwd: Bedford Co. Jail Solar Project Details

So sorry, I did not include the "PA" in "BedfordCountyPA.org" on your email addresses in the first attempt to mail this list of questions. Please see the forwarded email below.

Rodney G. Rose, Esq.

General Counsel and Director of Business Development



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News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World

----- Forwarded message -----

From: Rodney Rose <rrose@rerenergygroup.com>
Date: Wed, Mar 21, 2018 at 11:00 AM
Subject: Bedford Co. Jail Solar Project Details
To: tnelson@bedfordcounty.org, tdixon@bedfordcounty.org

Gentlemen,

Thank you for speaking with me this morning regarding the Bedford County Jail Solar Project. I look forward to getting on site with you and walking through all the details of the implementation for this project. As I mentioned, this grant is a big win for the citizens and taxpayers of Bedford County.

As mentioned on the call, we are looking for some of the following information to include for our engineers for them to put together their final site development plan.

1) Existing Land Survey or Tax Map Survey and (if available) any land surveys or geotechnical surveys available. (If these are not available, we will dispatch our team to get these in place).

2) Confirmation of Primary Service voltage and size of the 4 aforementioned transformers. (If unknown, Bedford Electrical Co-Op will have the transformer info)

3) Make / Model and Specs on the Cummins Generator you mentioned this morning

4) Map identifying the wetlands area and the primary connection points (Meters or Utility Poles)

Thanks again and let me know if you have any questions on the above. I am looking forward to working with you to get this in the ground. Thanks again and stay safe in this wintry mess.

Rodney G. Rose, Esq.

General Counsel and Director of Business Development



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Debra Brown

From: Commissioner Dallara
Sent: Monday, March 26, 2018 4:02 PM
To: Bob McGowan
Subject: Re: Bedford Solar Project

Bob, I'm traveling today, returning from a mini getaway that my wife and I very much needed. Yes I would welcome the opportunity to review the project in detail with you. Tomorrow is not good but are there times on Wed or Thursday that are open on your schedule.

Sent from my iPhone

On Mar 26, 2018, at 3:43 PM, Bob McGowan <bmcgowan@missioncriticalsolutions.com> wrote:

Commissioner Dallara,

Hope all is well on your end. Would there be a time I could speak to you about this article that appeared in last week's Bedford Newspaper? MCS is in the process of completing 88 foundation for solar car ports at Paris Island. I think there is plenty of synergy with MCS services and RER.

I can make myself available anytime that works for you.

Regards,

Bob McGowan
President & CEO
Mission Critical Solutions
(o) 814-839-2078
(c) 814-242-2089
<image001.png>

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<Bedford County Solar Project 032118.pdf>

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, March 27, 2018 8:48 AM
To: Debra Brown
Subject: Fwd: Next Steps Bedford Jail and Courthouse

Please print 5 copies ASAP

Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@reenergygroup.com>
Date: March 26, 2018 at 11:10:30 PM EDT
To: Commissioner Dallara <bdallara@bedfordcountypa.org>
Subject: Next Steps Bedford Jail and Courthouse

Commissioner Dallara,

In response to your inquiry earlier today here are some answers which you can share with anyone who may inquire at your meeting tomorrow morning.

- Anticipated date that the state will be distributing project funds will be +/- May 15th, 2018. At this time, the project investors, and RER will commit the remaining project funds into an LLC entity which we have set up for this project (The Name of the registered LLC is Bedford 58 Solar, LLC)
- We had the LLC set up as a requirement of the CFA Application. The Bedford 58 Solar, LLC entity will manage the funds, project build, engineering, procurement and construction, and operation and maintenance of the solar project while it is in development and operation, or until such time as the County decides to purchase the project outright (after Yr.6).
- From the time that the funds are fully committed to the project, the typical project build timeline will be approx. 6-9 Months. This is contingent on obtaining the necessary permits and approvals from all relevant authorities and obtaining a successful interconnection from the local utility as well as the availability for Modules, racking and electrical gear- and weather.
- Right now RER is working with the Jail Administrator Staff and County Engineers to obtain the necessary information to complete the final engineering and design of the Array to submit for permitting and approval. This includes existing electrical and site review, geotechnical review and existing systems in place at the jail facility. When this is complete, we will complete an interconnection application for review to the Bedford Rural Electrical Co-Op. (The Interconnection application is a design on how the system will connect to the grid in the Bedford Electric Co-Op territory).
- To answer your question on the land. The land will still be owned by the county. It will be leased to the Bedford 58 Solar LLC for the term of the Solar PPA Contract.(The lease is \$0 as it is

factored into the build pricing presented to the Commissioners) The site lease is contained in the PPA contract signed by Com. Lang. Should you buy out the contract early, the lease ends .

- At the end of the contract, you will have the option to buy the system for Fair Market Value or have RER Remove the system at no cost and restore the land to its original condition.

I will be at the meeting on 4/2 to meet with staff and answer the questions from all on more particulars. I will be available earlier in the day to meet with the select persons you spoke of this afternoon.

Hope you had safe travels today, and have a good meeting. Call me with any questions.

Sincerely,

Rodney G. Rose, Esq.

General Counsel and Director of Business Development



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Debra Brown

From: Commissioner Dallara
Sent: Tuesday, March 27, 2018 9:38 AM
To: Rodney Rose
Subject: Re: Next Steps Bedford Jail and Courthouse

Thank u Rod this is very helpful. One additional question, when you say the jail administrative staff and county engineer I believe you are talking about the supervisor of maint, not the actual engineers involved in constructing the facility in 1997?

Sent from my iPhone

On Mar 26, 2018, at 11:10 PM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Commissioner Dallara,

In response to your inquiry earlier today here are some answers which you can share with anyone who may inquire at your meeting tomorrow morning.

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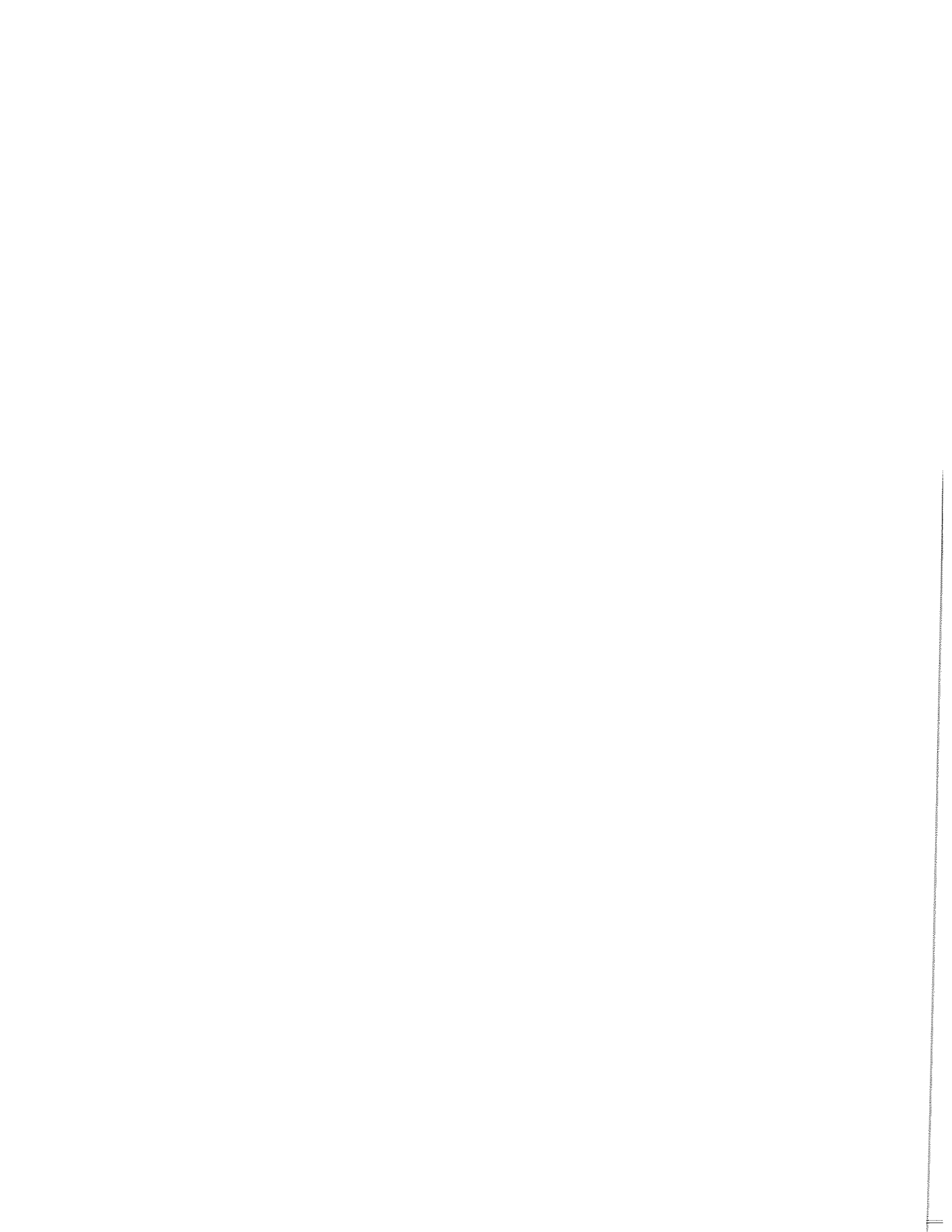
Debra Brown

From: Commissioner Dallara
Sent: Tuesday, March 27, 2018 9:49 AM
To: Debra Brown
Subject: The county commissioners are very grateful to our S

The county commissioners are very grateful to our State Representative Jesse Topper and State Sen. Wayne Langerholic for supporting our project. As County Commissioners we continue to work diligently to identify .opportunities to reduce county expenditures on behalf of county taxpayers. Our solar project grant is designed to significantly reduce our electricity costs to operate four county facilities that include our courthouse and the BCCF. This project will provide the county an estimated savings of 5.3 million dollars over the next 25 years.

To date there is not a solar project of this size or scope in Bedford County. We believe it will demonstrate to businesses considering locating in Bedford County that we are on the cutting edge of green technology. Additionally, this grant would provide the county government the ability to reduce future real estate tax increases to county taxpayers.

Sent from my iPhone



Debra Brown

From: Commissioner Dallara
Sent: Friday, March 30, 2018 10:07 AM
To: Bob McGowan
Subject: Re: Bedford Solar Project

Bob, Betty Slayton, Rod Rose, and I will meet with at your plant at 4:00 on Monday. See u then.

Sent from my iPhone

On Mar 30, 2018, at 4:36 AM, Bob McGowan <bmcgowan@missioncriticalsolutions.com> wrote:

Barry,
Thanks for the follow up. I emailed you my contact. My cell is 242-2089. I can meet anytime Monday with you and Rodney.
Thx,

Bob McGowan
President & CEO
Mission Critical Solutions
(o) 814-839-2078
(c) 814-242-2089
<image001.png>

The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

From: Commissioner Dallara [<mailto:bdallara@bedfordcountypa.org>]
Sent: Monday, March 26, 2018 4:02 PM
To: Bob McGowan
Subject: Re: Bedford Solar Project

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Bob McGowan

President & CEO

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<image001.png>

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<Bedford County Solar Project 032118.pdf>

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Commissioner Dallara
Sent: Thursday, April 5, 2018 2:52 PM
To: Debra Brown
Subject: Fwd: Materials for Farms / For Profit Entities in PA - Solar Economics in PA
Attachments: Why Solar Now in PA - For-Profits.pdf; ATT00001.htm; What You Don't Know About PA Solar Economics - RER Energy Group.pdf; ATT00002.htm

Please print 2 sets
Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@rerenergygroup.com>
Date: April 5, 2018 at 2:36:35 PM EDT
To: Commissioner Dallara <bdallara@bedfordcountypa.org>
Subject: Materials for Farms / For Profit Entities in PA - Solar Economics in PA

Commissioner Dallara,

Please see the two attached PDF Documents
1) Why Solar Now in PA
2) What You Don't Know about Solar Economics in PA

These documents are quite valuable in introducing the concept of solar savings to our for profit customers in PA. I think these are the proper materials to present to the Bedford Co. Farm Bureau Meeting and other interested For Profit Businesses in Bedford Co.

Please let me now if you or others have any questions on the materials, and thank you in advance for promoting additional solar development in the Bedford Community. Have a great weekend.

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



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What You Don't Understand About Solar Economics is Costing You Money

By Jim Kurtz, President, RER Energy Group

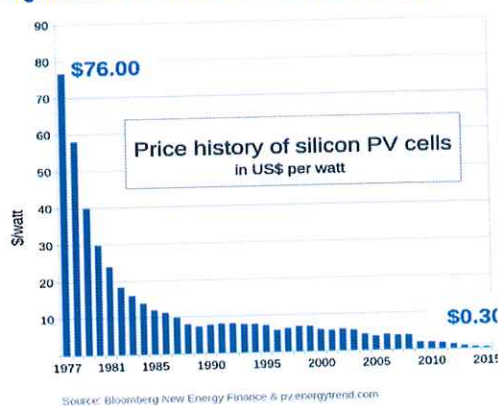
We talk to businesspeople in Pennsylvania every day about the benefits of solar energy. While most Americans would like the U.S. to use more solar energy (as many as 89%, according to Pew Research), Pennsylvanians tend to have three unfounded biases about solar energy that lead many to believe solar might not be for them.

Myth #1: PA solar grants have gone away, so solar no longer "works" in the state.

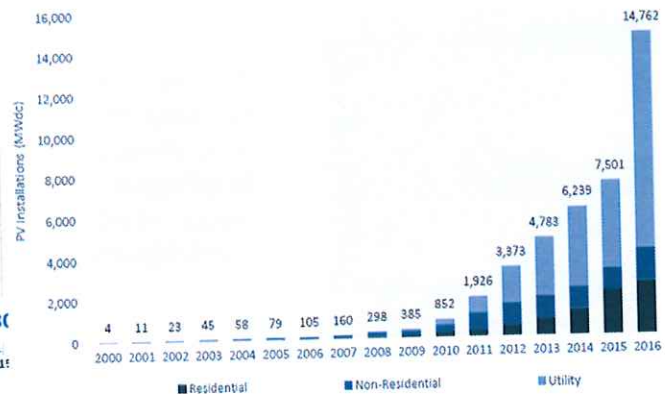
FACT: Prices have come down so much that solar works without PA incentives.

Solar prices have dropped so dramatically in the past five years that "all-in" costs, net of incentives, are now significantly *less* than they were just a few years ago. System prices have dropped 70% since the PA Sunshine Program was available for businesses, meaning your savings potential are higher today than they were then.

Significant Solar Price Reductions Have Been Realized



Solar Growth is Occurring in All Industry Segments



Myth #2: Solar is good for the environment but not for my bottom line.

FACT: Solar economics are great for business.

- 1) **Incentives still cover the majority of the costs today.** These include the Federal Investment Tax Credit (ITC), which covers 30% of the project cost, and the Modified Accelerated Cost Recovery System (MACRS), which allows for depreciation over five years (for an asset that should last more than 30 years) and leads to another 30-40% of the project cost coming back in the form of reduced tax payments;
- 2) The value of the electricity generated from the free fuel from the sun is **6 to 10 times the value of** the net investment and operating cost of the array. This takes into account maintenance costs which are extremely low for solar clients since solar involves no moving mechanical parts;
- 3) Solar arrays create electricity at an **effective cost of approximately \$0.03 to \$0.04 cents per kWh** for the next 20 to 30 or more years. Most businesses are paying \$0.06 to \$0.10 per kWh today depending on their location and that will increase over time.

- 4) When structured correctly, **solar projects are cash flow-positive in the first year.** Most businesses invest 20% of the cost of the project and borrow the rest of the required funds. They receive the 30% ITC as well as 60% of the depreciation value in the first year and are therefore cash flow positive within a few months, and throughout the project.

Myth # 3: With recent increases in the supplies of natural gas, there is less need to worry about the possibility of future energy price increases.

FACT: The U.S. has become a net exporter of natural gas, and this is driving up domestic prices as they move towards higher international price levels.

While the recent fracking boom has led to an increase in natural gas availability — and a resulting downward pressure in energy prices over the past 10 years — prices started to move up in 2016 and most experts are predicting continued increases in domestic prices. New export facilities of liquefied natural gas in the U.S. have led to the country becoming a net exporter of natural gas for the first time in 60 years. Overseas demand for natural gas — where prices can be 400-800% higher — will drive our domestic energy prices higher for years to come:

End of day Commodity Futures Price Quotes for Natural Gas (NYMEX)

Source: www.nasdaq.com/markets/natural-gas.aspx?timeframe=18m



As longer-term expectations are that electricity prices will significantly rise — because natural gas is the leading source of electricity generation in the U.S., using solar energy to lock in effective rates of \$0.03 to \$0.04 per kWh for the next 30+ years provides a great opportunity to reduce and create predictability in a key operating cost for many businesses.

Conclusion

Most businesses are still not aware of the significant cost effectiveness of solar today and are not currently evaluating this potential due to the outdated biases outlined above. If you have any questions (or lingering doubts) on the financial arguments in favor of solar, please reach out to us at RER Energy Group. We will be glad to provide a no cost evaluation for your facility on how the 'fuel from the sun' can provide you with meaningful savings for your business or organization for the next 30 or more years as well as positive cash flow in the first year of the project.

About RER

RER Energy Group is based in Reading, PA and has developed over 100 solar projects across the U.S. and Mexico for commercial, industrial, agricultural, municipal and non-profit organizations. RER is ranked the #1 commercial solar developer in PA by Solar Power World. Any PA organization with an energy bill over \$1,000 per month should consider solar energy to realize significant first year and long-term savings. For more information, contact: Jim Kurtz, President, at 610-332-7232, email: jkurtz@reenergygroup.com, or visit: reenergygroup.com.

Why Solar, Now in PA?

1. Money in Your Pocket – Business owners are typically cash flow positive in the first year of their solar project. Financial incentives and depreciation benefits currently offset the majority of the cost of the system, and loan amortization costs are covered by annual energy savings.

- **Federal Tax Credit** – Receive 30% of the system cost as a tax credit. This is available for any system completed by the end of 2019. Projects typically take a full year from start to finish -- beat the utility interconnection bottlenecks which will occur in 2019 and complete the system in 2018.
- **Accelerated Depreciation** – 100% Depreciation occurs in the first year of the project. This results in additional reduced tax payments for the investors of approximately 20% of the system cost.

2. Lock in Your Energy Costs – The effective cost of solar over the life of the system is typically \$0.03 to \$0.04 per kWh, including financing and O&M costs. Average electricity rates for business in PA today are \$0.06 to \$0.10 per kWh, and they will rise over time. Solar allows you to reduce both costs and volatility over time. Just like it is more economical to buy vs. rent your building/home if you plan to stay for more than 10 years, you save significantly on electricity costs if you produce your own energy instead of buying it every year from the utility.

3. Good Return on Your Investment – Solar allows you to collect the value from the sun that otherwise goes wasted each year, or worse -- wears down your roof with its damaging UV rays. By putting a “collector of value” on your roof, the typical internal rate of return (effective return received every year) from solar arrays exceed 10% to 15%, outperforming most conventional investments such as bonds and the majority of stocks.

4. Environmentally Friendly and Simple – Solar power is pollution-free; it does not create any greenhouse gases, and it is renewable. There are no moving parts, and it is noise-free.

5. Energy Independence – With solar power, you are less dependent on the utility company and the fluctuating prices of energy commodities such as oil and natural gas. Control your costs for the next 30-40 or more years.

6. Positive Message – People like supporting organizations that utilize renewable energy, and employees have higher morale and a better view of their leadership team.



What Does all This Mean?

Based on over 100 installations, we know your solar system will help you:

- **Save thousands per year, and usually hundreds of thousands over time**
- **Lock in the lowest available price of electricity for much—if not all—of your electric needs**
- **Make your contribution to a better world by supporting sustainable solutions**



Debra Brown

From: Commissioner Lang
Sent: Monday, April 9, 2018 4:23 PM
Subject: County News
Attachments: County Quarterly Newsletter.pdf

Please see the attached County Quarterly Newsletter.

Josh Lang, Chairman
Bedford County Commissioner
200 S. Juliana Street
Bedford, PA 15522
[\(814\) 623-4807](tel:(814)623-4807)
www.bedfordcountypa.org



Bedford County News



To develop, administer, and promote innovative, high quality and solution-oriented services to Bedford County that meets the needs of its citizens in the most accountable, ethical, economical, caring, and professional manner possible that enriches the health, welfare, quality of life, and safety of those who live and work in Bedford County.

The Crossroads of Heritage and Hospitality



Quarterly Newsletter

In This Issue

- Highlights
- Employee Information
- County Initiatives
- Employee Spotlight

Contact Us

<http://www.bedfordcountypa.org>
commissioners@bedfordcountypa.org
Extension: 2608



Highlights

County Training Opportunities: CCAP has rolled out their 2018 trainings that are free for employees to take. To log on go to:
<https://www.localgovu.com/products/learn/?t=ccap&logout=y>. Your username is your email address and your password is BEDFORDCOUNTY2017. For employees without an email address their user name is 00 followed by their employee number on their ID badge.

New Website Launched: We launched our new responsive and ADA compliant website that includes several new features including a news and calendar function. County content editors are working with departments to continually add new information for the public to access.

Grants Awarded: Bedford County recently received grants to benefit local taxpayers. These grants include:

- \$234,627 in Community Development Block Grant Funding for the Year 2017 that will provide funding for community wide projects.
- \$5, 767 for the Pennsylvania Veterans Trust Fund that will allow the County to provide additional outreach events for veterans.
- \$900,698 to install a solar system at the Bedford County Correctional Facility. It is estimated that the



County will save \$5.3 million in cumulative energy costs over the next 30 years, with an estimated \$87,000 in the first year.

The Old PA Pike: Recently, the Bedford County Commissioners appointed John Carlin, Nancy Folk, and Casey Colledge to serve as authority members for Bedford County as part of the joint authority between Bedford and Fulton Counties for The Old PA Pike Trail.

Over the last year, members of a Bedford County steering committee were tasked with updating the 2006 Master Plan for The Old PA Pike and have been working towards forming an authority.

In the near future, the authority will be filing all required paperwork with the Department of State and working to obtain ownership of the property and to begin the process of applying for grant funds.

Employee Information

Don't forget that the County has a resource you can access at any given time called the Employee Assistance Program through Mazzitti and Sullivan. You can access all of the resources by going to:

<https://www.mseap.com/for-employees>

We have also been adding information to the County Employee Portal for the Employee's benefit. Click here to learn more. We will continue to add useful documents and we encourage you to send us information that you think would be helpful to other employees. Simply click here to access the employee information portal. If there is anything you would like to see on the portal please let us know. For employees, without County Intranet access, county department heads may let us know what information their employees would like and we are happy to send it to them. When our policies are completed much of the information will also be provided to each department in print form as well.

UPMC also has a lot of helpful information through their portal. You can receive behavioral and wellness information. To access the portal go to:
www.upmchealthplan.com

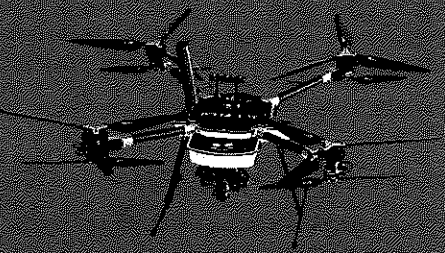
PA 529 Program: We are now providing information to County employees on the PA 529 College Savings program. You can pick up brochures in the Finance office or employee information area of the breakroom.

County Initiatives

Policies and Procedures: The County Commissioners are continuing to review the final draft of the employee handbook, SOP manual, and supervisor manual. We are about 90 percent finished with our employee handbook, so we anticipate sending out a final draft in the very near

PA 529
COLLEGE SAVINGS PROGRAM
1-800-440-4000 | PA529.com

ALLEGMENTS AHEAD



future.

Regional Plan: Bedford County is in its final stages of completing the Regional Comprehensive Plan. Bedford County is continuing to update its Comprehensive Plan. Some topics include cell phone and broadband coverage, public health, trail development, and coordination and collaboration.

Safety Efforts: Dave Cubbison, County Risk Manager recently did a walkthrough of the County complex and it was reported that there were no deficiencies. The County also upgraded their security badge system and we are in the process of implementing security upgrades to domestic relations, probation, and the sheriff's security bubble. The safety and wellness committee have also provided a draft of the County's emergency management guides to department heads and hope that we can have training in the near future.

County Yearly Goals: Late last year, the County worked with department heads to gather feedback on goals and initiatives they would like to see the County work on in the future. The County just released their new goals that they plan on working on during 2018. They include:

- Implement a plan to address longevity and salaries
- Explore Take a Healthy Step for 2018: A wellness program to encourage employees to make healthy choices.
- Develop an Employee Recognition Program
- Hiring an Information Technology Employee
- Forming an Information Technology Committee
- Explore Additional Outreach Strategies
- Create an Annual Report

Public Safety: Bedford County worked with their regional partner counties to roll out text to 911 that give people who have emergencies the ability to text; however, calling is always the preferred method.

UAS Drones: Recently, we submitted an application for the Federal Aviation Administration's Integration Pilot Program. The purpose of this program is to partner with private sector entities to fly more advanced UAS operations, such as emergency management operations.

Economic Needs Assessment: The Bedford County Economic Development Association submitted for \$30,000 to conduct an economic needs assessment. The goal is invest into entrepreneurial and business development to strengthen the County. This will assist the association with marketing expansion and diversification resulting in increased sales and job growth. Additionally, this will help the association with understanding of the real estate



requirements for both attraction and retention efforts for the County in the future, and serve as a basis for new projects to be identified.

Local Children's Roundtable: The local children's roundtable has been very active. They have formed several sub-committees including a co-parenting sub-committee that provides court ordered parenting classes for parents raising children in separate households; an EX Inmates in Transition (EXIT) sub-committee that focuses on assisting in their transition by providing resources in several areas, such as career readiness; and a drug and alcohol sub-committee that has worked to implement several initiatives including a families support group.

Cooperation with Goodwill Industries: Goodwill of the Southern Alleghenies, who provides careers services through our local Career Link office recently put in a \$254,511 strategic innovation grant through the PA Department of Labor and Industry to support case managed reintegration for inmates within the County prison system. The proposal outlines provisions of one-on-one services and development of a comprehensive reintegration plan. They have also been working with local schools to assist students with career and college readiness.

County Brochures: In the near future, the County will be putting community information brochures that include directions and other helpful information for the public near the TV monitors on the first and second floor of the courthouse.

Workshops: We will be announcing dates in the near future for our retirement workshops. If there are any workshops that you would like to participate in please let us know and we can see about scheduling something in the future.

In the Future

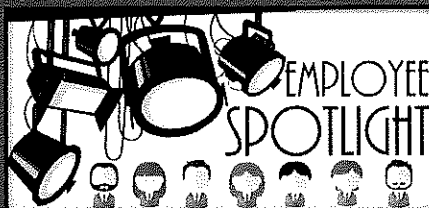
Health and Community Resource Fair: The Health and Community Resource Fair is scheduled for Friday, June 8th from 10:00 a.m. to 1:00 p.m. on the first floor of the courthouse. We have already received numerous RSVPs' and encourage County departments to sign up.

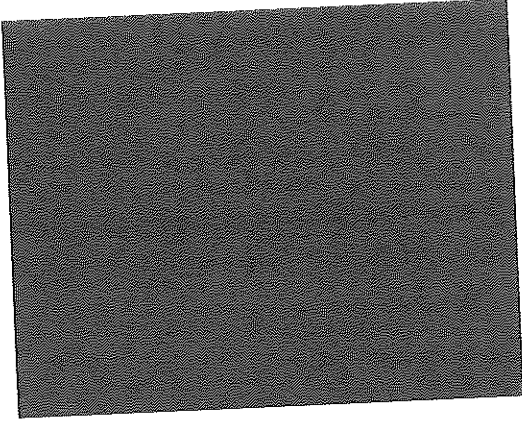
Employee Spotlight

From time to time we believe it is important to recognize County employees who have demonstrated exceptional performance in the completion of their work responsibilities. We encourage County employees to nominate fellow employees, so they we can recognize their great work to the County.

Program Rules

In order to be eligible for an award, all employees must be employed at the time the award is given. Winners cannot be





nominated again within one year of receiving the award. Those nominated, but not selected may be re-nominated for consideration. All employees have the opportunity to nominate any employee or an entire department of the County. Nominations will be reviewed on a rolling basis.

Nominees chosen in the employee spotlight will receive a \$50 gift card.

In an effort to encourage staff to nominate individuals, the individual that nominates the person to receive the recognition and is named the recipient of the award will receive a \$25 gift card.



Debra Brown

From: Commissioner Dallara
Sent: Thursday, April 12, 2018 11:30 AM
To: Commissioner Lang; Commissioner Crooks
Cc: rrose@reenergygroup.com
Subject: Fwd: Conversation on Rural Electric Coop

Josh and Paul, this is Information that Rod Rose is providing to us as part of a response to concerns Brooks Shoemaker shared with Commissioner Crooks yesterday at the REC annual meeting yesterday. I am available to do a conference call with Rod tomorrow if that is convenient for each of you.

Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@reenergygroup.com>
Date: April 12, 2018 at 10:15:14 AM EDT
To: Commissioner Dallara <bdallara@bedfordcountypa.org>
Subject: Conversation on Rural Electric Coop

Barry,

Great to speak with you briefly this morning. Yes, our engineers have communicated and have spoken to the Net Metering Rep from Bedford REC back in December when we were putting the Application to the CFA together for this project. We discussed the interconnection application process and timeline and shared the location of the proposed project and the estimated Size. They told us there was no size limitation and that they followed the PA rules on net metering. We accessed utility and connection data from them as well.

Of course there is always going to be pushback from the utility as the customer is coming off of their books. The return for this is that all of the energy being returned to their grid from the project can be distributed to their customers as they see fit and they are happy to have the additional capacity. Furthermore, interconnecting the solar array to the utility allows them to achieve a greater portion of their renewable energy portfolio standard which the state is now requiring of the Utilities in the state.

As you mentioned in situations such as Bedford County's, the return to the Taxpayer and community is so large that most Utilities understand the value of the solar for their community.

Additionally, it is the law in PA that All utilities are required to participate in Distributed Generation Net Metering of solar projects regardless of their location.

Will be happy to discuss this with you on a call and can bring Mr. Crooks in to answer his questions as well. I am available tomorrow Morning anytime after 10:30am. Feel free to call when you have the time.

Thanks,

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



Corporate: 4700 Pottsville Pike, Reading, PA 19605
Regional offices serving CT, DE, MD, NJ, NY and PA

c: 301-992-3007 • f: 888-712-0734

rrse@rerenergygroup.com • www.rerenergygroup.com

News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World

Debra Brown

From: Commissioner Dallara
Sent: Thursday, April 12, 2018 7:56 PM
To: Troy Nelson
Subject: Fwd: SURVEY WORK

Troy let me know if this is ok

Sent from my iPhone

Begin forwarded message:

From: "Hydrusko, Timothy" <THydrusko@blcompanies.com>
Date: April 12, 2018 at 7:09:22 PM EDT
To: "bdallara@bedfordcountypa.org" <bdallara@bedfordcountypa.org>
Cc: "Kuhn, Justin" <jkuhn@Blcompanies.com>
Subject: SURVEY WORK

Hello Mr. Dollara

My name is Tim Hydrusko. I was hoping to be at the prison site to do to survey work at the solar panel site tomorrow. I will try to be there about 7:30 AM tomorrow morning. Please let me know if that is acceptable. Also let me know if there is a gate I need to be at for access.

Timothy Hydrusko, PLS, PP
Survey Field Crew Manager



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Debra Brown

From: Commissioner Dallara
Sent: Thursday, April 12, 2018 8:04 PM
To: Hydrusko, Timothy
Subject: Re: SURVEY WORK

Yes it's ok

Sent from my iPhone

On Apr 12, 2018, at 7:10 PM, Hydrusko, Timothy <THydrusko@blcompanies.com> wrote:

Hello Mr. Dollara

My name is Tim Hydrusko. I was hoping to be at the prison site to do to survey work at the solar panel site tomorrow. I will try to be there about 7:30 AM tomorrow morning. Please let me know if that is acceptable. Also let me know if there is a gate I need to be at for access.

Timothy Hydrusko, PLS, PP
Survey Field Crew Manager



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Debra Brown

From: Commissioner Dallara
Sent: Thursday, April 19, 2018 9:25 AM
To: Commissioner Lang
Cc: Kuhn, Justin; Commissioner Crooks; Kempf, Joseph; Stich, Thomas; Andrew Biederman; Debra Brown
Subject: Re: Solar Project - Bedford Prison

Justin, it fine with me.

Sent from my iPhone

On Apr 19, 2018, at 9:18 AM, Commissioner Lang <jlange@bedfordcountypa.org> wrote:

I don't have any problem with it.

Thanks,
Josh

Josh Lang, Chairman
Bedford County Commissioner
200 S. Juliana Street
Bedford, PA 15522
[\(814\) 623-4807](tel:8146234807)
www.bedfordcountypa.org

<image002.png>

From: Kuhn, Justin [<mailto:jkuhn@blcompanies.com>]
Sent: Thursday, April 19, 2018 9:17 AM
To: Commissioner Lang; Commissioner Crooks
Cc: Kempf, Joseph; Stich, Thomas; Andrew Biederman; Commissioner Dallara; Debra Brown
Subject: Solar Project - Bedford Prison

Commissioners-

I spoke with Barry this morning concerning the solar project at the prison and he suggested I send an email to you as well requesting permission to be on-site. Our survey team was at the site last week and a few days this week and now our environmental team (Joe Kempf) will likely be on-site later today and tomorrow to gather field data in the same area as our surveyor. Can you please verify this will be acceptable. Let me know if you have any questions.

Thanks,

Justin L. Kuhn, P.E.

Senior Project Manager

Principal

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<image003.png>

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mobile: 717-574-8647 | fax: 717.651.9858

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Debra Brown

From: Commissioner Dallara
Sent: Monday, April 23, 2018 2:20 PM
To: Collins, Steven
Cc: Troy Nelson
Subject: Re: RER Energy Group Photovoltaic project

Steven contact the warden at the county correctional facility to coordinate your visit.
Sent from my iPhone

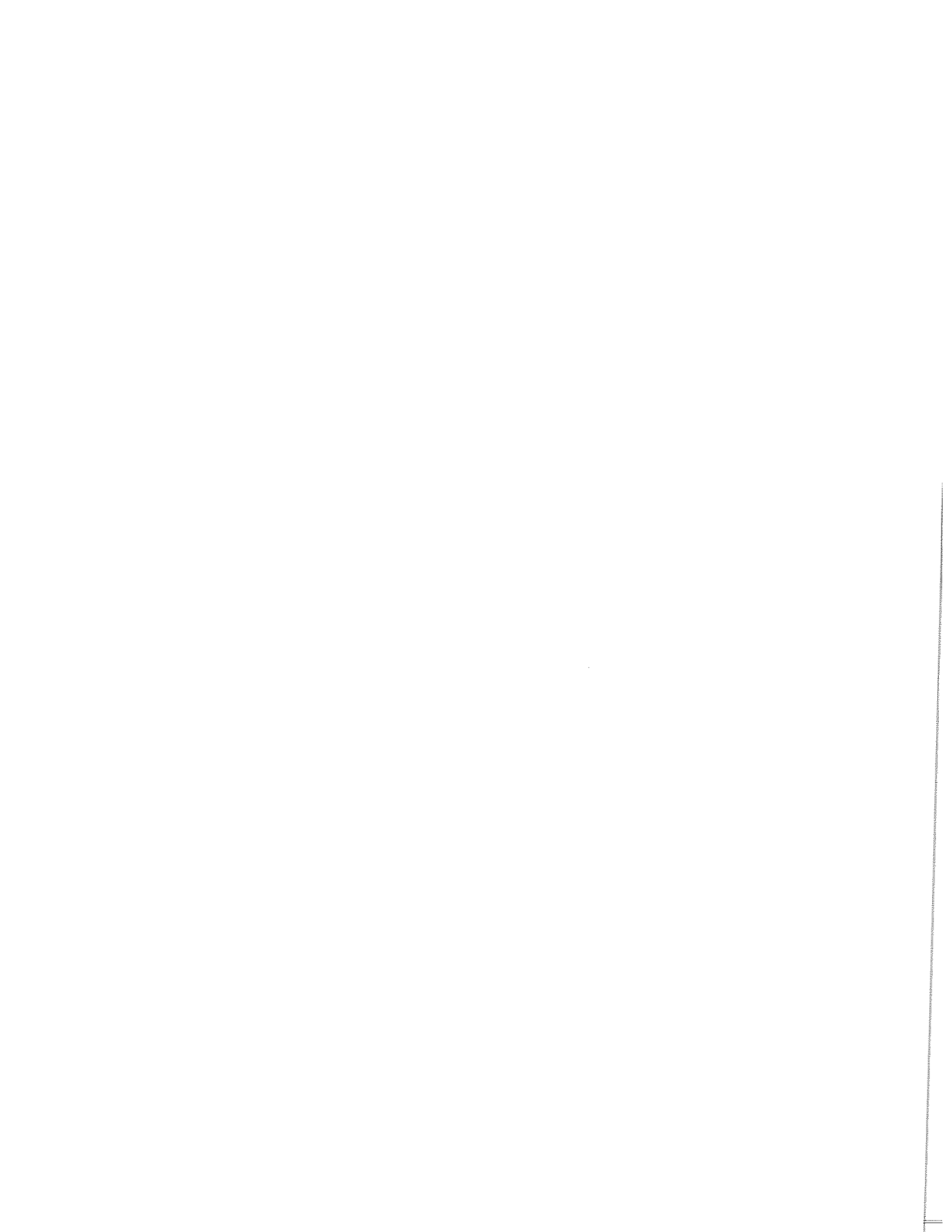
On Apr 23, 2018, at 1:52 PM, Collins, Steven <scollins@blcompanies.com> wrote:

Commissioner Dallara,
I am the electrical engineer involved with the Solar Project for you site; I will be traveling to your site tomorrow, and would like to coordinate a time in the afternoon to meet at the site to gain access into the main electrical room for the building. Below is my direct work number, and my cell number is 203-278-3295. I look forward to hearing from you to discuss access and a point of contact I can reach out to tomorrow to gain access to the facility. Thanks for your assistance.

Steven Collins, PE, LEED AP
Principal Electrical Engineer
Principal
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<image001.jpg>

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tel: 203.683.6930 | direct: 203.683.6934
www.blcompanies.com



Debra Brown

From: Commissioner Dallara
Sent: Monday, June 4, 2018 10:56 AM
To: Commissioner Lang; Commissioner Crooks
Cc: Debra Brown
Subject: Fwd: Conference Call about Bedford Jail Project

FYI

Sent from my iPhone

Begin forwarded message:

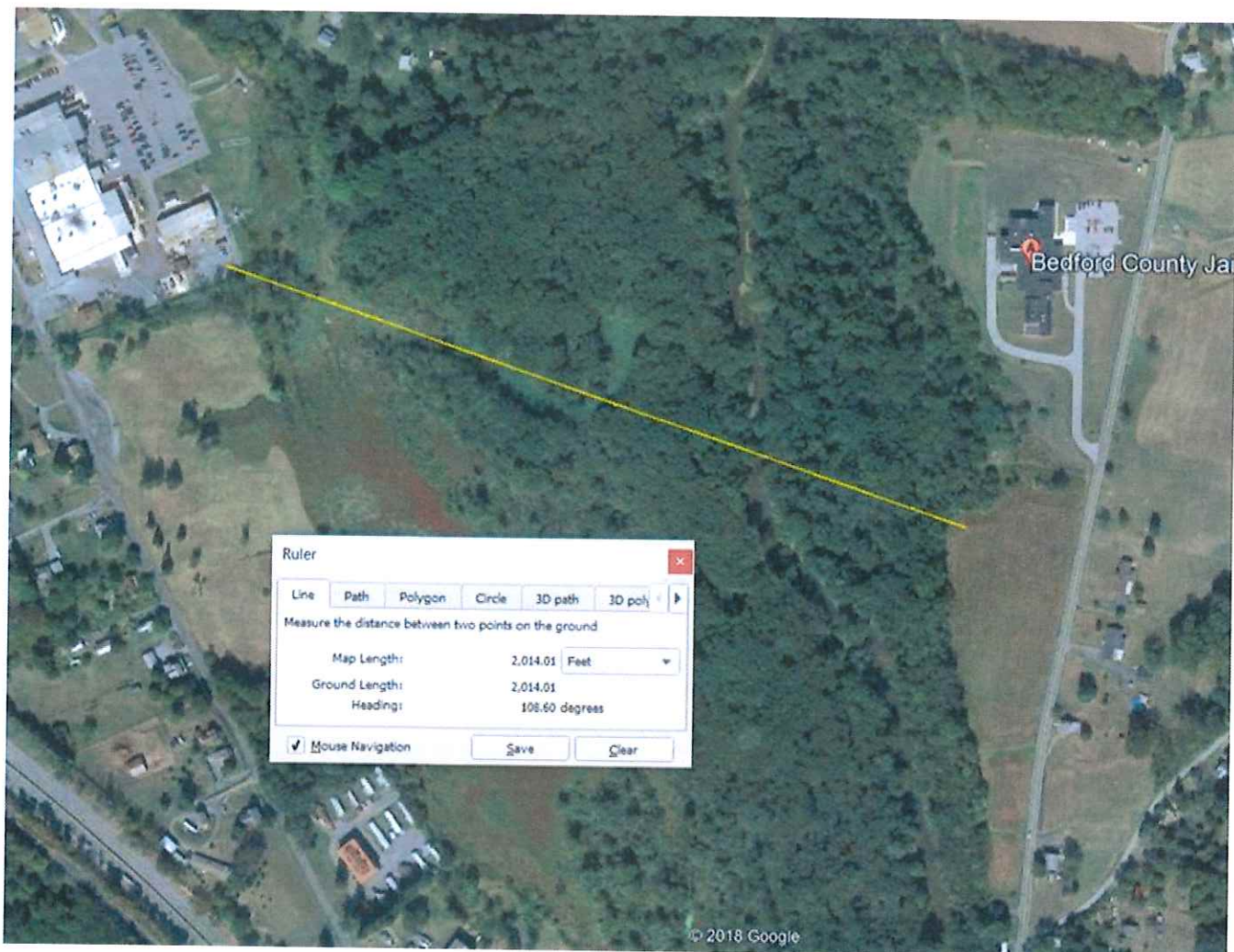
From: Larry Myers <Larry.Myers@schneider-electric.com>
Date: June 4, 2018 at 10:47:42 AM EDT
To: Rodney Rose <rrose@reenergygroup.com>, Commissioner Dallara <bdallara@bedfordcountypa.org>
Subject: RE: Conference Call about Bedford Jail Project

I have a meeting from 1 to 2:15 and a conference call from 2:30 to 3:15 (although I could miss the call if needed). I would prefer to talk at about 3:30 if that is doable.

I am also available now until 1:00.

My quick thought is to connect to Penelec and bypass the BREC. It may incur some additional cost, but we could fly lines behind the prison to Kennemetal (2000 feet). It is a short distance that is partially cleared and would be a direct connection to Penelec. The question is how will the prison be offset.

Larry



Larry F. Myers, PE, CEM, GBE
 Sales Team Leader, Northeast
 Energy & Sustainability Services
larry.myers@schneider-electric.com

D +1 814.937.7602
 Fx +1 717.232.8187 (Harrisburg)
 Fx +1 814.569.1978 (Bedford)
 W www.enable.schneider-electric.com/

4431 N. Front Street Suite 100
 Harrisburg, PA 17110
 United States



****Please consider the environment before printing this email****

From: Rodney Rose [<mailto:rrose@reenergygroup.com>]
Sent: Monday, June 4, 2018 10:25 AM
To: Commissioner Dallara <bdallara@bedfordcountypa.org>; Larry Myers <Larry.Myers@schneider-electric.com>
Subject: Conference Call about Bedford Jail Project

Gentlemen,

Please let me know of your availability for this afternoon for a call regarding the Issues brought up by Allegheny Cooperative on Friday.

Please see the note from our engineer, Andrew, below. Our process had been working with The BREC and Pennelec and all parties were in agreement on how to meter the array. We have had no interaction with Allegheny Coop and do not now how they would be concerned with the project, other than that BREC purchases energy from them and BREC will not need to purchase as much because the Jail/Courthouse will be generating its own energy. We need to get this resolved ASAP because as Andrew mentions, it could be a mortal threat to the project if Allegheny makes it stagnate.

Let me know when we can talk.

Thanks

RODNEY

June 1, 11:06am

Hello team, I just received a call from:

*Ben Ricci (pronounces it as Ricky)
Manager of Alternate Energy
717-901-4448*

He said that he was with Allegheny Electric Co-op and he says that they are the wholesale suppliers of energy to the Bedford Rural Co-op, (as opposed to Pennelec). He asked for an understanding of the project, as he had been called by the Bedford Rural Coop (whom I had talked to last week). I told Ben about the size of the array and how the plan was to remote net meter excess from the Prison to the Courthouse. He said that since they weren't in the same utility territory, that he thought it would be a problem.

Then he asked who was owning the array, and I explained the PPA stuff. He said that would be a problem too because he doesn't think they would allow someone else (the PPA owner) to generate electricity and sell to their customers (like the Prison).

I'm not sure where the confusion or issue is, but my understanding from our team was that this had already been worked out between the parties. If Ben is correct on these points and sticks to his guns, this could pose a mortal threat to this project.

*Thank you,
Andrew Biederman
Design and Engineering Manager*

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



Corporate: 4700 Pottsville Pike, Reading, PA 19605
Regional offices serving CT, DE, MD, NJ, NY and PA

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?

*Named one of the nation's fastest growing private companies for the
third consecutive year.*



?
?

This email has been scanned by the Symantec Email Security.cloud service.

Debra Brown

From: Commissioner Dallara
Sent: Friday, June 8, 2018 10:06 AM
To: Troy Nelson
Subject: Fwd: Solar Project - Bedford Prison

Troy, please respond to Justin with an approval or advise him of any concerns or or problems with this request.

Sent from my iPhone

Begin forwarded message:

From: "Kuhn, Justin" <jkuhn@blcompanies.com>
Date: June 8, 2018 at 10:00:04 AM EDT
To: "jlang@bedfordcountypa.org" <jlang@bedfordcountypa.org>, "pcrooks@bedfordcountypa.org" <pcrooks@bedfordcountypa.org>, "bdallara@bedfordcountypa.org" <bdallara@bedfordcountypa.org>
Cc: Andrew Biederman <abiederman@reenergygroup.com>, "dbrown@bedfordcountypa.org" <dbrown@bedfordcountypa.org>, "Barnhart, Kevin" <KBarnhart@advantageengineers.com>
Subject: Solar Project - Bedford Prison

Commissioners-

Our geotechnical team is planning to be on-site early next week to complete some exploratory field work. Can you please verify this will be acceptable. Let me know if you have any questions.

Thanks,

Justin L. Kuhn, P.E.
Senior Project Manager
Principal
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Debra Brown

From: Commissioner Dallara
Sent: Friday, June 8, 2018 10:08 AM
To: Kuhn, Justin
Subject: Re: Solar Project - Bedford Prison

Justin, please include Warden Nelson on any future communications. He is the person most impacted by the project.

Sent from my iPhone

On Jun 8, 2018, at 10:01 AM, Kuhn, Justin <jkuhn@blcompanies.com> wrote:

Commissioners-

Our geotechnical team is planning to be on-site early next week to complete some exploratory field work. Can you please verify this will be acceptable. Let me know if you have any questions.

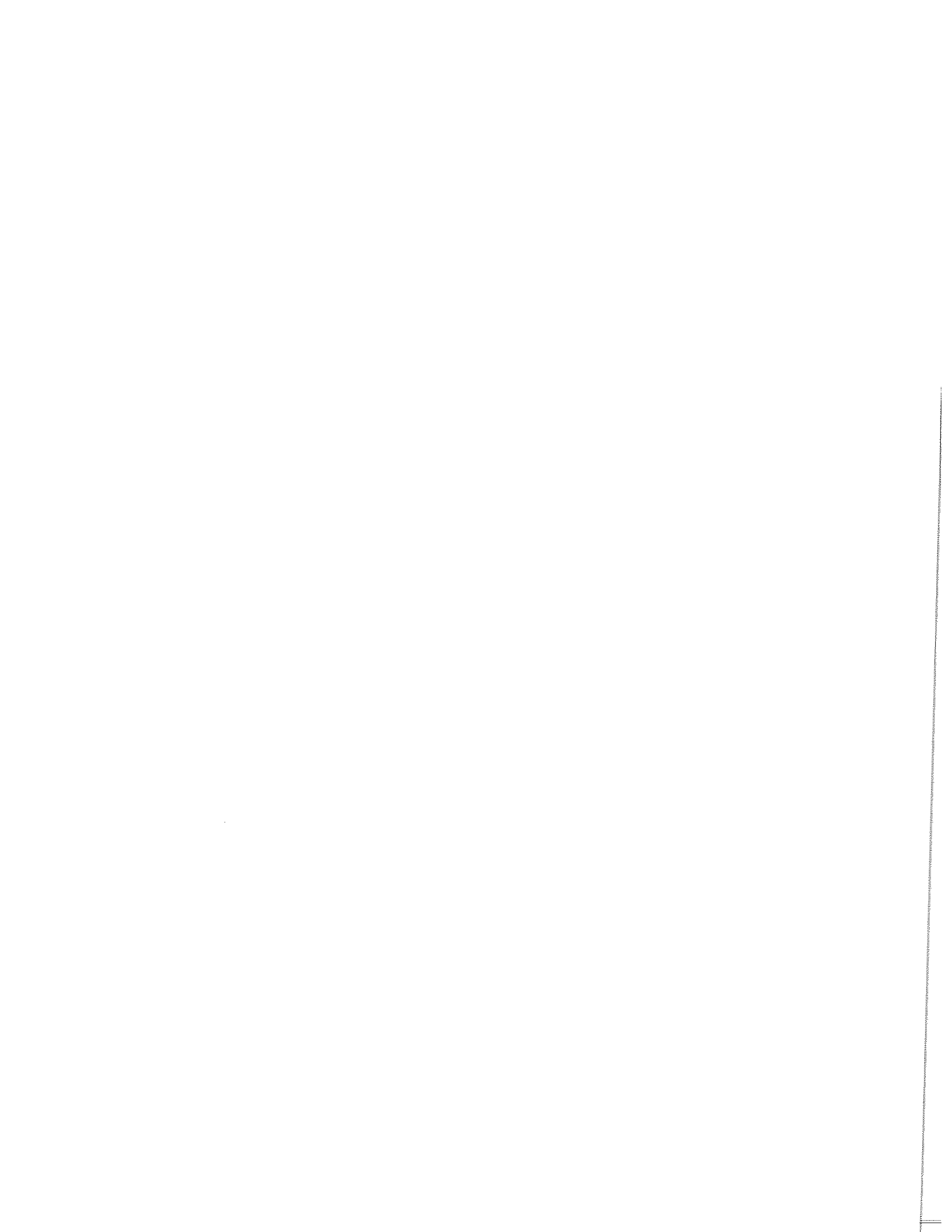
Thanks,

Justin L. Kuhn, P.E.
Senior Project Manager
Principal
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<image001.png>

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Debra Brown

From: Commissioner Dallara
Sent: Wednesday, June 13, 2018 1:13 PM
To: Troy Nelson
Subject: Fwd: Warden's contacts at PA Dept of Corrections

Troy any help we can give Larry would be very helpful. I'll call u tomorrow about this text.
Sent from my iPhone

Begin forwarded message:

From: Larry Myers <Larry.Myers@schneider-electric.com>
Date: June 13, 2018 at 8:30:46 AM EDT
To: "Barry L. Dallara - Bedford County (bdallara@bedfordcountypa.org)"
<bdallara@bedfordcountypa.org>
Subject: Warden's contacts at PA Dept of Corrections

Barry:

As you know, I have responded to the PA Department of Corrections with a proposal for a significant and comprehensive energy efficiency project at SCI Muncy. Our proposed project addresses nearly all of their desired upgrades while being completely funded by the reduction of energy expenditures. Our proposal reduces their electric and natural gas expenditures by about 48% and is able to provide them with significant upgrades to the steam distribution, many new windows, better campus control of the HVAC systems, new HVAC systems in several key buildings, LED lighting and many other desired modifications.

We truly believe that we have a unique solution that will offer them ease of operation while saving significant operational expenses. We have previously implemented a number of projects in prison environments, including SCI Graterford, a number of years ago. Bedford County is also aware of Schneider Electric's ability to support our client's long-term needs based upon your experience with our energy consortium support and the new solar PV project. We wish to offer this same level of service at SCI Muncy.

I ask that if Warden Nelson has any contacts at SCI Muncy, or PA DOC, that he would offer a recommendation for our company and our ability to support such a project. If you or he have any questions regarding our proposal, please feel free to reach out to me at 814.937.7602.

Thanks for the consideration,
Larry

Larry F. Myers, PE, CEM, GBE
Sales Team Leader, Northeast
Energy & Sustainability Services
larry.myers@schneider-electric.com

D +1 814.937.7602
Fx +1 717.232.8187 (Harrisburg)
Fx +1 814.569.1978 (Bedford)
W www.enable.schneider-electric.com/

4431 N. Front Street Suite 100
Harrisburg, PA 17110
United States



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Debra Brown

From: Commissioner Dallara
Sent: Monday, June 18, 2018 2:33 PM
To: Debra Brown
Subject: Fwd: Final Completed Interconnection Application from Engineering for Bedford Jail / Courthouse Project
Attachments: BREC Interconnection Application Read for Sig 2018 0618.pdf; ATT00001.htm

Please print and prepare for signature.
Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@reenergygroup.com>
Date: June 18, 2018 at 2:10:54 PM EDT
To: Commissioner Dallara <bdallara@bedfordcountypa.org>, Larry Myers <Larry.Myers@schneider-electric.com>, Commissioner Lang <jlang@bedfordcountypa.org>, Commissioner Crooks <pcrooks@bedfordcountypa.org>
Subject: Final Completed Interconnection Application from Engineering for Bedford Jail / Courthouse Project

Gentlemen,

Attached to this email is the final interconnection application for the Bedford Co. Jail / Courthouse. It requires a signature from one of the commissioners acknowledge that the County are the Property Owners and they are aware of the interconnection request.

Andrew put Barry down as the signature, but we can change that if necessary to whichever commissioner will be signing.

As soon as this is signed, we will be submitting to the Bedford Rural Electric Coop (BREC). At that time if you would please reach out to their executive contacts to make them aware of the submission, and to request that the approval be expedited to any extent possible.

Thanks. I would like to have a follow up call with all of you soon to discuss the project status and next steps. Let me know when would work best.

Thanks Again

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



Corporate: 4700 Pottsville Pike, Reading, PA 19605
Regional offices serving CT, DE, MD, NJ, NY and PA

c: 301-992-3007 • f: 888-712-0734

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- -
-

Bedford Rural Electric Cooperative, Inc
Initial Application
Interconnection of Alternative Generation Facilities

Legal Name and Address of Member-Generator

Name: Bedford County Commissioner's Office

Mailing Address: 200 South Juliana Street

City: Bedford State: PA Zip Code: 15522

Service Address: 425 Imbertown Road, Bedford, PA 15522

Phone: (814) 623-4807 Email: bdallara@bedfordcountypa.org

Account No.: BREC 2267601 Meter No.: 18389028

Alternative Contact Information – If different from above.

Name: Andrew Biederman

Mailing Address: 4700 Pottsville Pike

City: Reading State: PA Zip Code: 19605

Phone: (319) 610-3449 Fax: (888) 712-0734 Email: abiederman@reenergygroup.com

System Information

Nameplate kW Capacity: Solar 1,260 Hydro Wind Other

System Address: 425 Imbertown Road

City: Bedford State: PA Zip Code: 15522

Existing Service Voltage: 277/480 Existing Service Capacity: 1200 Amps

Current Annual Consumption: 720,288 kWh Estimated Gross Annual Production: 2,104,700 kWh

Estimated Monthly Dollar Savings Based on Standard Rate: TBD

Inverter Manufacturer & Model: Chint Power Systems, CPS SCA60KTL-DO/US-480

Single Phase Three Phase Estimated Install Date: 03/2019

Do you plan to deliver power to the Cooperative's distribution system? Yes / No

If yes, Estimated Maximum: 1,260 kW Estimated Gross Annual Energy Production: 2,104,700 kWh

One-Line Diagram Attached (Required): Yes Site Plan Attached (Required): Yes

Energy Source: Solar Photovoltaic Gross Generator Rating: 1,684.8 kW

Utility Accessible Disconnect or Lock Box: Yes

Equipment Installation Contractor:

Business Name: RER Energy Group Contact Person Andrew Biederman
Mailing Address: 4700 Pottsville Pike
City: Reading State: PA Zip Code: 19605
Phone: (319) 610-3449 Email: abiederman@rerenergygroup.com
Fax: (888) 712-0734

Electrical Contractor:

Business Name: TBD Contact Person _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (____) _____ Email: _____
Fax: (____) _____

Consulting Engineer:

Business Name: BL Companies Contact Person Steven Collins
Mailing Address: 855 Main Street
City: Bridgeport State: CT Zip Code: 06604
Phone: (203) 683-6934 Email: scollins@blcompanies.com
Fax: (____) _____

Interconnection Customer Acknowledgement

I hereby certify that, to the best of my knowledge, the information provided in this Application is true and correct. With respect to the Qualifying Facility (QF), I agree that I will:

- Execute, along with Bedford Rural Electric Cooperative and Allegheny Electric Cooperative, The "Interconnection and Power Purchase Agreement,"
- Abide by Bedford Rural Electric's (BREC'S) "Safety and Interconnection Requirements for Alternate Energy Production,"
- Provide the necessary information for BREC to complete a REAP Application to the Pennsylvania Rural Electric Association for approval of funding and reimbursement for certain metering and interconnection costs,
- Certify that the equipment used in the QF is commercially available and UL Listed. If not, I understand that it must be certified by a professional engineer.
- Provide evidence of General Liability Property Insurance for a minimum of \$1 million. BREC and Allegheny must be named as additional insureds on the policy. Applicants must provide a copy of the evidence of property insurance,
- Provide to BREC, complete and detailed electrical drawings, signed by a Pennsylvania-licensed, professional engineer,
- Design and wire the system in accordance with BREC requirements, the National Electric Code, and all other applicable codes and ordinances,
- Ensure that QF's equipment is designed to be "fail safe," so that in the event of either an electrical supply or equipment failure, the QF and BREC's system will be physically separated automatically,

- NOT energize the system, except for a testing period not to exceed two (2) hours, until all inspections required by the Pennsylvania Uniform Construction Code Statutes have been completed, and BREC has conducted a final review (which includes operationally testing the unit) and installed appropriate metering,
- Be financially responsible for any incremental costs incurred by BREC, that are required by the interconnection, i.e., increased transformer capacity, increased conductor size, line extensions, subsequent, ongoing information requests or technical assistance etc.,
- Return the Certificate of Completion to BREC when the QF has been installed and BEFORE it is interconnected,
- Allow BREC personnel access to the QF to perform periodic inspections, both prior to interconnection, and at any future time while interconnected with BREC's system, and
- Allow BREC access to all metering and disconnecting equipment.

Signed (Co-op Member/System Owner): _____ Date: _____

Bedford Rural Electric Approval

Interconnection of the above mentioned Qualifying Facility is approved contingent upon compliance with the "Safety and Interconnection Requirements for Alternate Energy Production," the return of the Certificate of Completion, appropriate state electrical inspections, a BREC inspection, and the installation of all metering.

Signed (BREC Representative): _____ Date: _____

DC Source Information:

Energy Source: CSUN 325-72P DC Source Rating: .325 kW DC

Nominal DC Voltage 37.6 V DC Ampere Rating: 8.66 Amps DC

Inverter Information:

Inverter Manufacturer: Chint Power Systems Inverter Type: Select Type Transformerless Grid Interactive

Model Number of Inverter: CPS SCA60KTL-DO/US-480

Number of Units: 21 Inverter Rating: 60 kW AC

Voltage Rating: 480 Volts AC Ampere Rating: 72 Amps AC

Power Factor: >99 % Number of Phases: 3

Frequency: 60 Hz,

IEEE1547/UL1741 (or the most current revision) Certification: Yes

Evidence of Certification attached: Yes

- Attach additional sheets as necessary in the event of multiple units of various types/sizes
- The applicant is encouraged to provide evidence of IEEE1547/UL1741 Test Certification with this application, and may be required to do so in the event such evidence is not readily accessible to BREC.

We anticipate that many projects proposing to utilize directly coupled rotating generation may not have the specific information necessary for BREC to adequately evaluate the impact of the proposed facility on the electrical distribution system at the time of the initial application. Often times the equipment for which this information is needed has not been specified. The type of information necessary may be conveyed during a scoping meeting or other correspondence early on during the project development. Depending on the nature of the project, this is often an iterative process. BREC's analytical systems may require that data be provided conforming to specific standard formats. While not all inclusive, examples of the information commonly required are as follows:

For Synchronous Machines: Copies of the Saturation Curve and the Vee Curve – Salient vs. Non-Salient – Torque: (lb-ft) – Rated RPM – Field Amperes at rated generator voltage and current and %PF over-excited – Maximum Leading and Lagging Reactive Output Power – Type of Exciter – Output Power of Exciter – Type of Voltage Regulator – Direct-axis Synchronous Reactance (X_d) ohms – Direct-axis Transient Reactance ($X'd$) ohms – Directaxis Sub-Transient Reactance (X''_d) ohms – Rated Nominal Frequency

For Induction Machines: Rotor Resistance (R_r) ohms – Exciting Current (Amps) – Rotor Reactance (X_r) (ohms) – VARs (No Load) – Magnetizing Reactance (X_m) – Stator Resistance (R_s) – VARs (Full Load) – Stator Reactance (X_s) – Short Circuit Reactance ($X'd$) – Number of Phases – Frame Size – Design Letter – Temp. Rise °C

Protective Equipment: The customer generator shall design a protective scheme that will provide the protective functions specified in IEEE 1547 and submit it to BREC for review and acceptance. The submittal shall include a single line drawing showing the location of instrument transformers (current and voltage) and the location of the relays, breakers, and fuses. Indicate the manufacturer and model number of each type of device. Breaker data shall include continuous and interrupting ampere ratings. If relays are used, indicate function, the tripping source, and its voltage.

Isolation Transformer: Manufacturer – Manufacturer reference number – Nominal Voltage Ratio – High / Low Voltage Taps – Number of Units – Rated kVA – Percentage Impedance @ kVA base – High / Low Voltage Winding Configuration

Debra Brown

From: Commissioner Dallara
Sent: Thursday, June 21, 2018 3:09 PM
To: Commissioner Crooks
Cc: Rodney Rose; Larry Myers; Commissioner Lang
Subject: Re: Brief Meeting / Call on Wednesday (June 27th)

Rod, Wednesday's schedule is full in the am. I can talk after 1:30 on Wednesday afternoon or Tuesday am.

Sent from my iPhone

On Jun 21, 2018, at 1:58 PM, Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

Rodney

11:00am would be the best time for me.

Paul

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Thursday, June 21, 2018 1:20 PM
To: Commissioner Dallara <bdallara@bedfordcountypa.org>; Larry Myers <Larry.Myers@schneider-electric.com>; Commissioner Lang <jlant@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>
Subject: Brief Meeting / Call on Wednesday (June 27th)

Gentlemen,

Would it be possible to schedule a brief call for Wed. June 27th in the morning (930am/10am/1030am/11am)(whichever time works for you) We want to discuss the Modules that we have in inventory for your project, the Warranty which comes with the modules, and the transfer of these modules to your array location in the near future.

Please let me know what time works best and I will send out a Conference Call in line so that everyone can join from any location.

Thanks,

Sincerely,

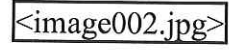
Rodney G. Rose, Esq.
General Counsel and Director of Business Development

<image001.jpg>

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for the third consecutive year.*



?
?

Debra Brown

Subject: Conference Call with Rodney Rose
Location: Commissioners Suite

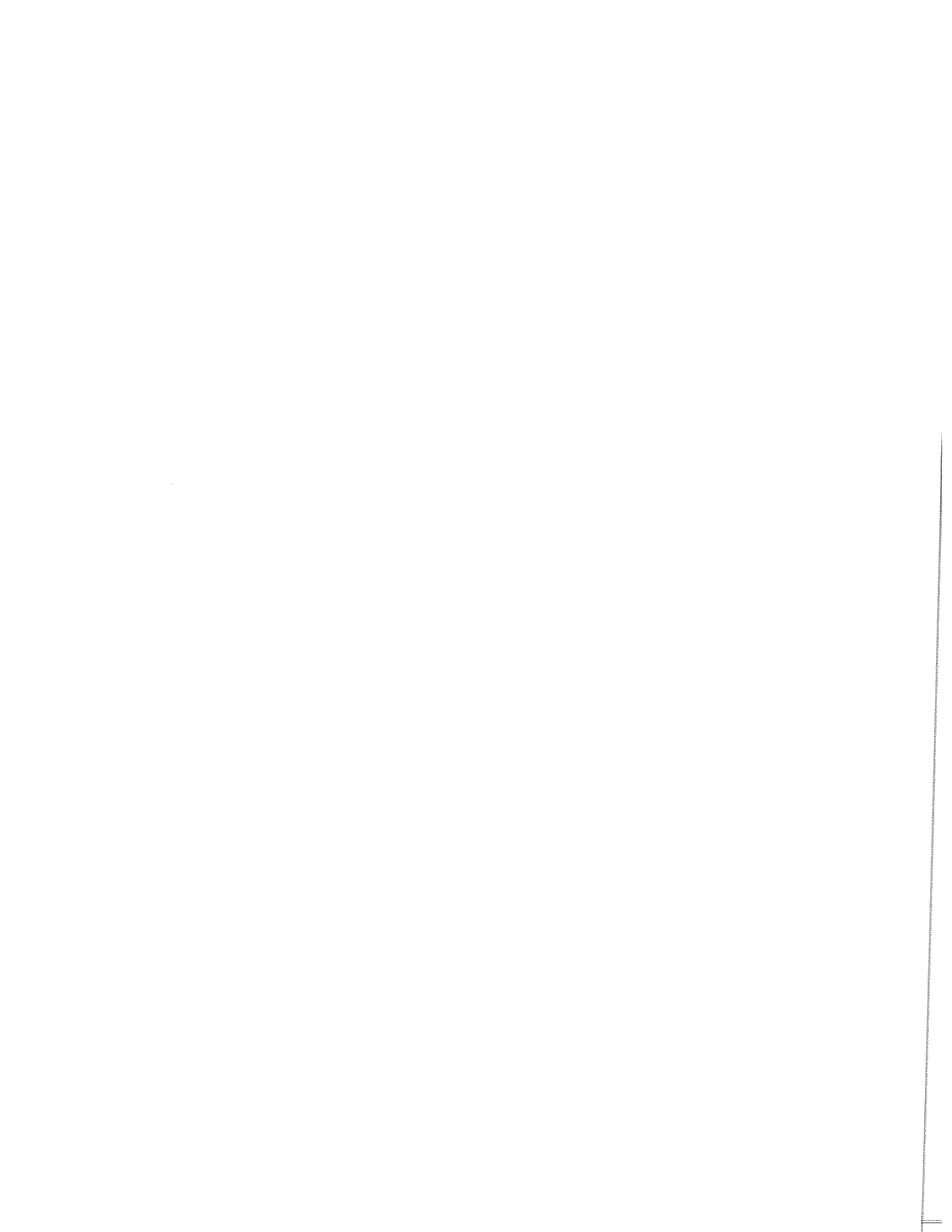
Start: Mon 7/2/2018 10:30 AM
End: Mon 7/2/2018 11:00 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Dallara; Commissioner Crooks;
rrose@reenergygroup.com

Rodney will call here and we will transfer back. 301-992-3007



Debra Brown

Subject: Conference Call with Rodney Rose
Location: Commissioners Suite

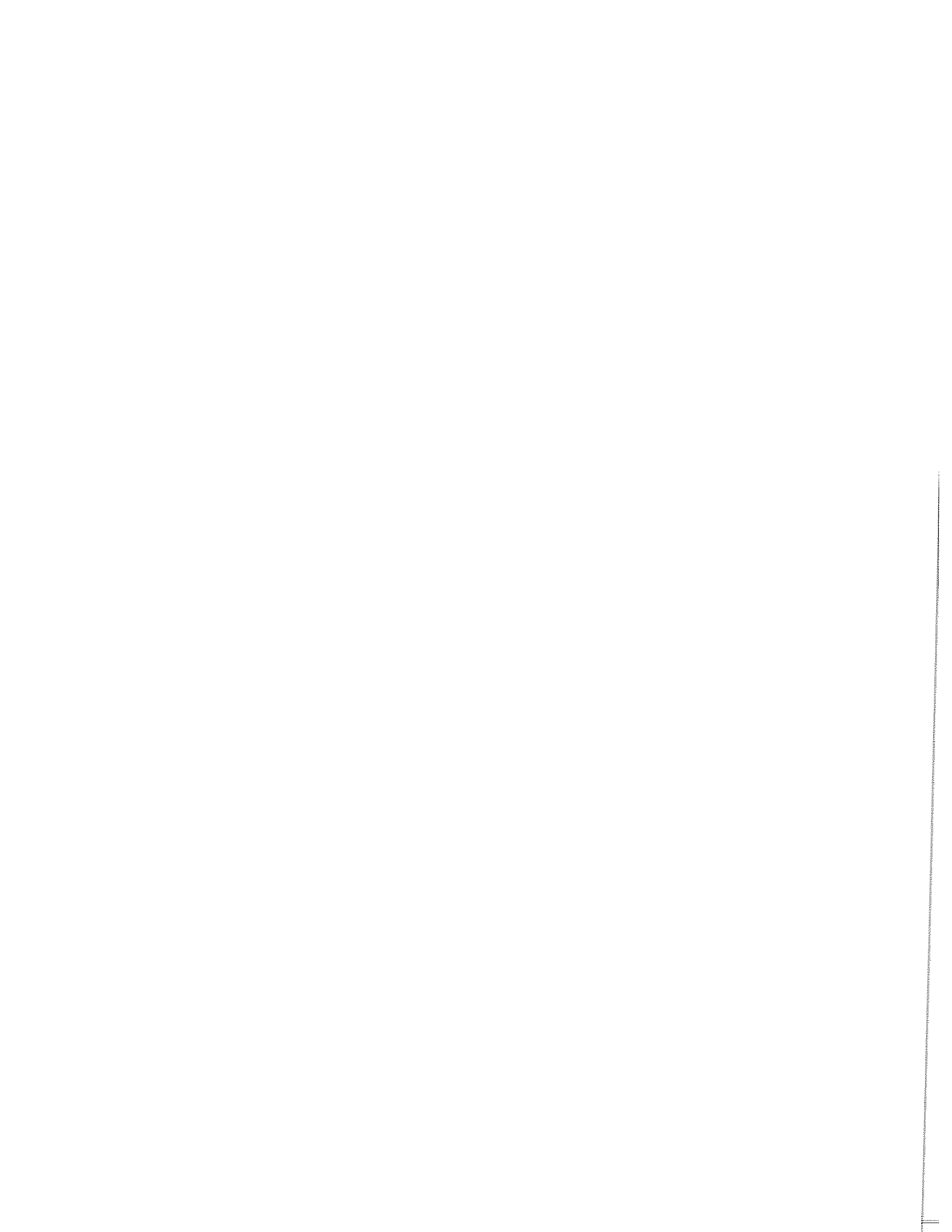
Start: Mon 7/2/2018 10:30 AM
End: Mon 7/2/2018 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

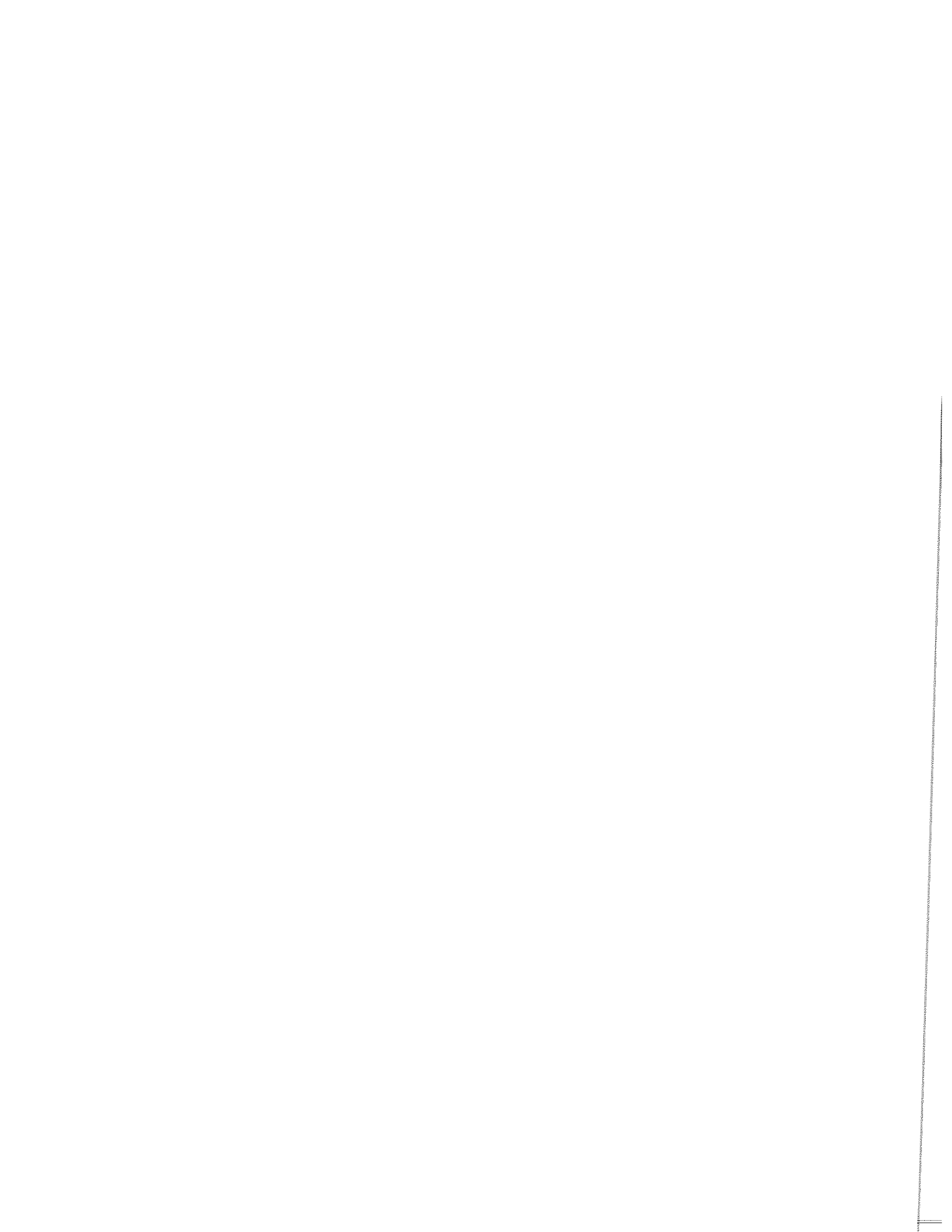
Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Dallara; Commissioner Crooks;
rrose@rerenergygroup.com

Rodney will call here and we will transfer back. 301-992-3007



Debra Brown

From: Commissioner Dallara
Sent: Wednesday, June 27, 2018 11:45 AM
To: Debra Brown
Subject: Accepted: Conference Call with Rodney Rose



Debra Brown

From: Commissioner Dallara
Sent: Thursday, June 28, 2018 1:33 PM
To: Debra Brown
Subject: Accepted: Conference Call with Rodney Rose



Debra Brown

From: Commissioner Dallara
Sent: Monday, July 16, 2018 5:58 PM
To: Rodney Rose
Subject: Re: Prepayment possibility for Bedford Jail Project

Rod we are meeting with our bond finance people tomorrow. if I understand the math correctly, if we put 0 dollars in we save \$5,473,487.00 over thirty years, or \$182,450.00 per year. If we put \$258,259.00 up front we would save \$6,003,112 over 30 years or \$200,104.00 each year, 17,764.00. Additionally each year.
Sent from my iPhone

On Jun 21, 2018, at 4:34 PM, Rodney Rose <rrose@reenergygroup.com> wrote:

Barry, as we discussed on the phone this morning, here are some preliminary calculations for Putting a 5% and 7.75% Prepayment on the Jail project to lower the PPA rate and increase returns.

These numbers are preliminary and I would need to confirm with our other staff prior to executing any agreement for Prepay

0% Prepayment (\$0) (CUR

- Starting PPA Rate - \$.064 per kWh (36% reduction from Current Rate with BREC)
- Cumulative Rate over 30YR - \$0.073 per kWh
- Total Savings over 30 YR - \$5,473,487

RENT)

5% Prepayment (\$165,615)

- Starting PPA Rate - \$.060 per kWh (40% reduction from Current Rate with BREC)
- Cumulative Rate over 30YR - \$0.072 per kWh
- Total Savings over 30 YR - \$ 5,541,462

7.75% Prepay (\$258,259)

- Starting PPA Rate - \$.054 per kWh (46% reduction from Current Rate with BREC)
- Cumulative Rate over 30YR - \$0.065 per kWh
- Total Savings over 30 YR - \$6,003,112

Hope this helps your review - I will confirm the numbers and get back to you shortly

Rodney G. Rose, Esq.
General Counsel and Director of Business Development



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- -
-

Debra Brown

From: Commissioner Dallara
Sent: Monday, July 16, 2018 8:05 PM
To: Rodney Rose
Subject: Re: Prepayment possibility for Bedford Jail Project

Thanks Rod, I'll let u know how it goes with the bond underwriters. Is it accurate to say fixed interest rate repayment will be cheaper than kw rates 5-7 years or longer into the future.

Sent from my iPhone

On Jul 16, 2018, at 6:47 PM, Rodney Rose <rrose@reenergygroup.com> wrote:

Barry

That is correct. Those numbers are preliminary ballpark and we would have to do a full financial analysis to make sure of the exact numbers but it would be in that ballpark for sure. Once you guys decide you would like to explore the pre payment in earnest we will get our finance people to run exact numbers for you. Please let me know the outcome of that meeting. I will be around tomorrow all day after 11:00 a.m. so give me a call when you can. Thanks. Hope you're having a good day.

On Mon, Jul 16, 2018, 5:58 PM Commissioner Dallara <bdallara@bedfordcountypa.org> wrote:

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-
-

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Debra Brown

From: Commissioner Dallara
Sent: Monday, July 23, 2018 11:12 AM
To: Larry Myers
Subject: Fwd: Prepayment possibility for Bedford Jail Project

FYI
Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@rerenergygroup.com>
Date: July 16, 2018 at 6:46:42 PM EDT
To: Commissioner Dallara <bdallara@bedfordcountypa.org>
Subject: Re: Prepayment possibility for Bedford Jail Project

Barry

That is correct. Those numbers are preliminary ball park and we would have to do a full financial analysis to make sure of the exact numbers but it would be in that ballpark for sure. Once you guys decide you would like to explore the pre payment in earnest we will get our finance people to run exact numbers for you. Please let me know the outcome of that meeting. I will be around tomorrow all day after 11:00 a.m. so give me a call when you can. Thanks. Hope you're having a good day.

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Debra Brown

From: Joseph Rinaldi <jrinaldi@grideands.com>
Sent: Tuesday, July 24, 2018 10:32 AM
To: Tony Dixon
Cc: Mike Barnes; Andrew Biederman
Subject: Solar panel Shipment

Good Morning Tony,

The recent and ongoing rain will push the delivery date to the prison into next week. I'll give you a shout when the date is firmed up. Thank you and let me know if there's anything else in the meantime.

Regards,
Joseph F. Rinaldi
President



320 Loucks Road, Suite 202
York, PA 17404
Office: 717-885-5249
Fax: 717-885-5289
Cell: 717-451-9944

This email (including any attachments) is intended for the sole use of the intended recipient/s and may contain material that is CONFIDENTIAL AND PRIVATE COMPANY INFORMATION. Any review or reliance by others or copying or distribution or forwarding of any or all of the contents in this message is STRICTLY PROHIBITED. If you are not the intended recipient, please contact the sender by email and delete all copies; your cooperation in this regard is appreciated.

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, August 7, 2018 4:00 PM
To: Stephen Monticone
Subject: Re: Bedford Springs

Stephen, I'll contact you Thursday to confirm a time and date we can meet. I'm in Gettysburg till then.

Sent from my iPhone

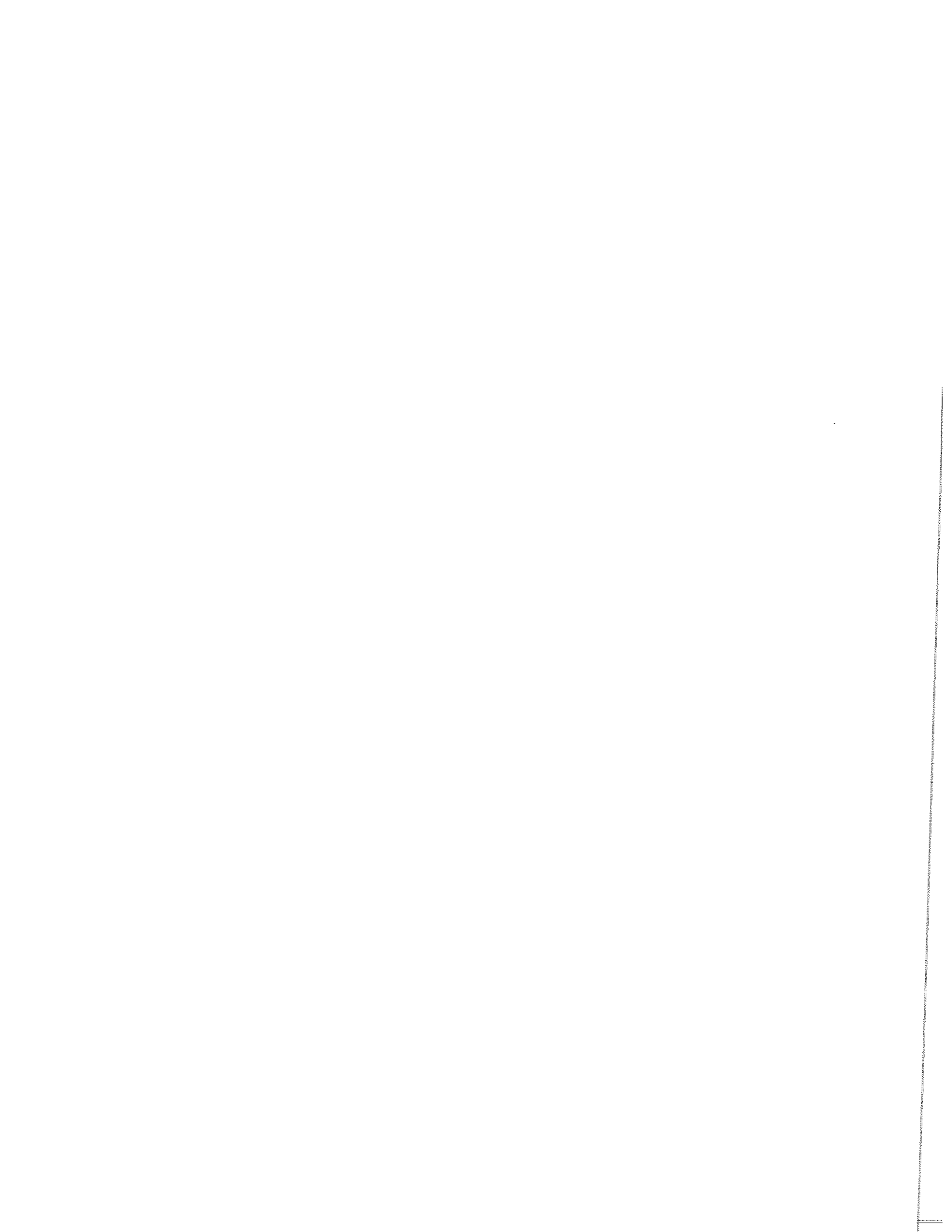
On Aug 7, 2018, at 3:57 PM, Stephen Monticone <stephen.monticone@omnihotels.com> wrote:

Good afternoon,
My boss, Bill Liedholm, gave me your contact information in regards to some recent solar projects you have been involved with. I would like to learn a little more about the projects and see if any options would be a good fit for the resort. If you have any free time please let me know and I will arrange my schedule so we can meet to discuss.
Thank you,

Stephen Monticone

Director of Engineering
Omni Bedford Springs Resort & Spa
2138 Business 220
Bedford, PA 15522

814-624-5647 Direct
435-659-6148 Cell
stephen.monticone@omnihotels.com



Debra Brown

From: Commissioner Dallara
Sent: Wednesday, August 15, 2018 8:52 AM
To: Stephen Monticone
Subject: Re: Bedford Springs

Stephen, are u available this afternoon or tomorrow at any time to meet to discuss solar project?

Sent from my iPhone

On Aug 7, 2018, at 4:01 PM, Stephen Monticone <stephen.monticone@omnihotels.com> wrote:

Thank you

Stephen Monticone

Director of Engineering
Omni Bedford Springs Resort & Spa
2138 Business 220
Bedford, PA 15522

814-624-5647 Direct
435-659-6148 Cell
stephen.monticone@omnihotels.com

From: Commissioner Dallara <bdallara@bedfordcountypa.org>
Sent: Tuesday, August 07, 2018 4:00 PM
To: Stephen Monticone <stephen.monticone@omnihotels.com>
Subject: [EXTERNAL] Re: Bedford Springs

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Sent from my iPhone

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Bedford, PA 15522

814-624-5647 Direct
435-659-6148 Cell
stephen.monticone@omnihotels.com

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Debra Brown

From: Commissioner Dallara
Sent: Wednesday, August 15, 2018 9:23 AM
To: Stephen Monticone
Subject: Re: [EXTERNAL] Re: Bedford Springs

How does 2:00 today work?

Sent from my iPhone

On Aug 15, 2018, at 8:56 AM, Stephen Monticone <stephen.monticone@omnihotels.com> wrote:

I am free anytime after 12pm today and lots of openings tomorrow as well.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Commissioner Dallara <bdallara@bedfordcountypa.org>
Date: 8/15/18 8:51 AM (GMT-05:00)
To: Stephen Monticone <stephen.monticone@omnihotels.com>
Subject: [EXTERNAL] Re: Bedford Springs

Stephen, are u available this afternoon or tomorrow at any time to meet to discuss solar project?

Sent from my iPhone

On Aug 7, 2018, at 4:01 PM, Stephen Monticone <stephen.monticone@omnihotels.com> wrote:

Thank you

Stephen Monticone

Director of Engineering
Omni Bedford Springs Resort & Spa
2138 Business 220
Bedford, PA 15522

814-624-5647 Direct
435-659-6148 Cell
stephen.monticone@omnihotels.com

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Thank you,

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2138 Business 220
Bedford, PA 15522

814-624-5647 Direct
435-659-6148 Cell
stephen.monticone@omnihotels.com

ExchangeDefender Message Security: [Check Authenticity](#)

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Rick Suder
Sent: Friday, August 17, 2018 3:13 PM
To: Kevin Hartman
Subject: RE: Rex Heat Treat & Bedford Co. Jail Solar Field LD Reviews, Bedford Township

Ok, thanks. Have a good weekend.

From: Kevin Hartman <Kevin.Hartman@ghd.com>
Sent: Friday, August 17, 2018 3:05 PM
To: Rick Suder <Rsuder@bedfordcountypa.org>
Subject: RE: Rex Heat Treat & Bedford Co. Jail Solar Field LD Reviews, Bedford Township

Rick,
Will do. I expect to have letters ready by end of day Monday.
Thanks,

Kevin J Hartman, PE

GHD

T: 1 814 643 8260 | F: 1 814 643 8269 | V: 860310 | M: 1 215 605 6126 | E: kevin.hartman@ghd.com
321 Washington Street Huntingdon PA 16652 USA | www.ghd.com

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Please consider our environment before printing this email

From: Rick Suder <Rsuder@bedfordcountypa.org>
Sent: Friday, August 17, 2018 3:04 PM
To: Kevin Hartman <Kevin.Hartman@ghd.com>
Subject: Rex Heat Treat & Bedford Co. Jail Solar Field LD Reviews, Bedford Township

Kevin,

I completed a draft LD Plan review of Rex Heat Treat and I'm almost finished with a draft LD review letter of the Bedford County Jail Solar Field. I need to discuss these plans and our draft review letters at our Planning Commission Board meeting next Wednesday, August 22.

When you have your reviews done for the Supervisors, could you email me copies of the letters for our files.

Thanks, Rick

ExchangeDefender Message Security: [Check Authenticity](#)

This e-mail has been scanned for viruses

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right to monitor and modify all email communications through their networks.

Debra Brown

From: Kevin Hartman <Kevin.Hartman@ghd.com>
Sent: Monday, August 20, 2018 2:41 PM
To: Rick Suder
Subject: FW: Bedford Co. Jail Solar Panels - Draft Comment Letter
Attachments: 2018-08-20 Bedford Co Jail Solar Panel - Draft 1st Submission.pdf

Kevin J Hartman, PE**GHD**

T: 1 814 643 8260 | F: 1 814 643 8269 | V: 860310 | M: 1 215 605 6126 | E: kevin.hartman@ghd.com
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Please consider our environment before printing this email

From: Kevin Hartman
Sent: Monday, August 20, 2018 2:32 PM
To: 'abusher@blcompanies.com' <abusher@blcompanies.com>
Cc: Andy Glitzer (Andrew.Glitzer@ghd.com) <Andrew.Glitzer@ghd.com>; 'Bedford Township Supervisors' <bedfordtwp@gmail.com>; 'Brad D Allison' <b.allison@embarqmail.com>
Subject: Bedford Co. Jail Solar Panels - Draft Comment Letter

Al,
Attached is the draft comment letter to be discussed with the Township at tomorrow's meeting.
Thanks,

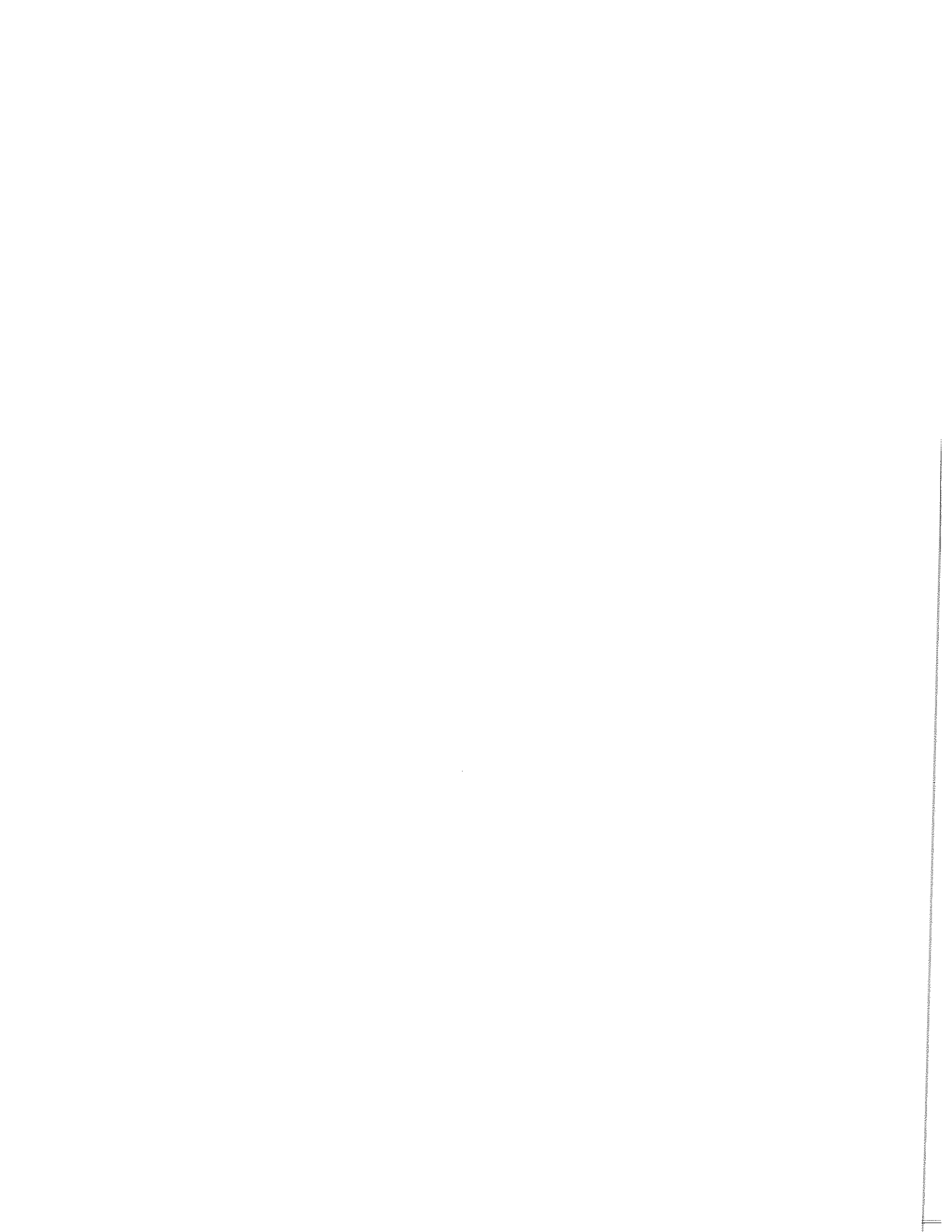
Kevin J Hartman, PE**GHD**

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(DRAFT)

August 20, 2018

Mr. Gregory L. Crist, Chairman
Bedford Township Supervisors
P.O. Box 148
Bedford, PA 15522

Dear Greg:

**Bedford County Jail
Solar Field Preliminary Land Development Plan (1st Submission)**

We reviewed the Bedford County Jail Solar Field Preliminary Land Development Plans (1st submission) dated August 3, 2018, and received via email on August 3, 2018. The plans were prepared by Alaric James Busher, a registered professional engineer in the Commonwealth of Pennsylvania, of BL Companies, for Developer RER Energy Group and Landowner Bedford County Jail. The purpose of the project is to install 5,184 solar panels within a 6' chain link fence, a gravel/vegetated service drive, and associated site improvements within a 5.84 field perimeter on a lot owned by County of Bedford (Deed Book 549, Page 651, Tax ID E-09-0.00-012-A. The land use remains a correctional facility.

Based on our review of the proposed land development plans in accordance with the Bedford Township Subdivision and Land Development Ordinance (SALDO) and Floodplain Management Ordinance, we recommend approval of the preliminary plan contingent on the Developer addressing the comments below to the satisfaction of the Township:

Subdivision and Land Development Ordinance Review Comments

1. Section 401.4 – Final approval is contingent on receiving the Bedford County Planning Commission (BCPC) plan review letter or expiration of 30 days from the date the plan was forwarded to the County for review.
2. Section 406.1 – Prior to final plan approval, the Township must first approve the Preliminary Plan. We recommend approval of the preliminary plan contingent on the Developer addressing the comments below. After preliminary plan approval, the Developer has five years to submit a Final Plan. Before requesting Final Plan approval, the Developer must submit either a certificate that all improvements and installations have been made as required by this Ordinance or a bond which shall deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements, including but not limited to roads and drainage facilities.
3. Section 503.1.A.16 – The ownership certificate and acknowledgement needs to be executed.
4. Section 503.1.A.19 – The signature block for the Township Planning Commission should be changed to the County Planning Commission.
5. Section 503.1.B.3 – Provide the name and deed reference of the adjacent property owner to the south. This can be shown on the Overall Properties Map on Drawing Ex-01.



6. Section 503.1.C.1 – If preliminary plan is proposed to proceed to a final plan with the posting of financial security, a note should be added stating that approval of the preliminary plans does not authorize construction of facilities or recording of the plan. The developer should provide a cost estimate for the construction of the access drive and drainage facilities.
7. Section 503.1.C.13 – If preliminary plan is proposed to proceed to construction, with a final plan submitted for approval after completion of required improvements, a note should be added stating that approval of preliminary plan authorizes construction of facilities depicted on plans, but does not authorize sales of lots, construction of buildings, use of facilities, or recording of plan.
8. Section 504.2.1 & 5 – Final approval is contingent upon approval of the project's Soil & Erosion and Sedimentation Control Plan and NPDES permit for Stormwater Discharges Associated with Construction Activities.
9. Section 702.11 – All non residential land developments shall include a landscaped buffer area of at least 6' in width along all public roadways, and 10' in width along property lines abutting existing homes. Buffer areas shall meet requirements in this section of the ordinance. Please show the required roadway buffer area or request and justify a waiver from this section of the ordinance. Is there an adequate existing buffer between the land development and the residential property to the south?
10. Section 904.c – For non residential developments, all proposed structures shall be no closer than 50' to any right of way line or road. The Township considers both the chain link fence and the solar panels to be structures. Both are within 50' of the Imlertown Road (S.R. 1001) right of way. The Township may grant a waiver from this requirement if the Developer receives written approval from PennDOT.
11. Section 609 – Below are our comments on the stormwater drainage:
 - a. Please show the two drainage areas (POI 1 and LOA 2) on the Land Development Plans.
 - b. Since the check dams and stormwater culvert are permanent stormwater facilities, they should be shown on Plan SP-01 and included in the Stormwater Maintenance Program on GD-01.
 - c. Is the detail for the Vegetated Channel intended for the existing swale shown on Plan GD-01? Is the intention to line it per the detail description? Will the swale be regraded to match the dimensions in the detail?
 - d. Please provide a detail for the seven check dams.
 - e. Please clarify the intention of the rock filter detail. It states that there are two proposed rock filters downstream of the culvert, but none are shown on the plans.
12. Section 609.g.3 – Final plan approval is contingent upon the Developer providing a Developer's Agreement regarding the maintenance of the stormwater facilities installed during this project.
13. General – The Township believes that a PennDOT bridge construction project may occur along S.R. 1001 during the time of this land development project. Please add the following note to the plans: "Construction vehicles shall not use Township roads to bypass State road detours."
14. General – Provide a detail of the solar panel, including how it is fixed into the ground and the ground cover at the base of the panel.



Floodplain Management Ordinance Review Comments

1. Section 3.04.C.4c&d – The Engineering No Rise Certification is to be signed and sealed.
2. Section 5.03.H – The Floodplain Development Narrative states that solar panels and foundations were designed to resist uplift and lateral movement resulting from flooding, to the maximum extent practicable. Provide a detail of the solar panel on the land development plans, including how it is fixed into the ground and the ground cover at the base of the panel.
3. Section 503.L – Electrical, mechanical, or utility equipment or apparatus shall not be located below the regulatory flood elevation. The Floodplain Development Narrative states that not utilities other than those required to operate the solar panels are proposed within the floodplain. Please show all proposed utilities within the floodplain on the Land Development plans.
4. General – The Floodplain Development Narrative states that tree removal will be required. On Land Development plans, show the extent of the tree removal.

Should you have any questions, please feel free to contact Kevin Hartman at the office at (814) 643-8260 or via email at kevin.hartman@ghd.com.

Sincerely,
GHD

Kevin J. Hartman, PE

Cc: Al Busher, BL
File: 11151895.10



Debra Brown

From: Bedford Township Supervisors <bedfordtwp@gmail.com>
Sent: Monday, August 20, 2018 4:32 PM
To: Rick Suder
Subject: Fwd: Bedford Co. Jail Solar Panels - Draft Comment Letter
Attachments: 2018-08-20 Bedford Co Jail Solar Panel - Draft 1st Submission.pdf

[Rick here is the review letter from GHD for the Jail Solar Panels](#)

----- Forwarded message -----

From: Kevin Hartman <Kevin.Hartman@ghd.com>
Date: Mon, Aug 20, 2018 at 4:25 PM
Subject: Bedford Co. Jail Solar Panels - Draft Comment Letter
To: abusher@blcompanies.com <abusher@blcompanies.com>
Cc: Andy Glitzer <Andrew.Glitzer@ghd.com>, Bedford Township Supervisors <bedfordtwp@gmail.com>, Brad D Allison <b.allison@embarqmail.com>

Al,

Attached is the draft comment letter to be discussed with the Township at tomorrow's meeting.

Thanks,

Kevin J Hartman, PE

GHD

T: 1 814 643 8260 | F: 1 814 643 8269 | V: 860310 | M: 1 215 605 6126 | E: kevin.hartman@ghd.com
321 Washington Street Huntingdon PA 16652 USA | www.ghd.com

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--

Janie L. McMillen - Secretary/Treasurer

Bedford Township, P.O. Box 148, Bedford, Pa. 15522
814.623.8296-P 814.623.5695-F
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Dorine M. Smith -Assistant Secretary

Bedford Township ,P.O. Box 148, Bedford, Pa. 15522
814.623.8296-P - 814.623.5695-F
www.bedfordtwppagov.com



(DRAFT)
August 20, 2018

Mr. Gregory L. Crist, Chairman
Bedford Township Supervisors
P.O. Box 148
Bedford, PA 15522

Dear Greg:

**Bedford County Jail
Solar Field Preliminary Land Development Plan (1st Submission)**

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3. Section 503.1.A.16 – The ownership certificate and acknowledgement needs to be executed.
4. Section 503.1.A.19 – The signature block for the Township Planning Commission should be changed to the County Planning Commission.
5. Section 503.1.B.3 – Provide the name and deed reference of the adjacent property owner to the south. This can be shown on the Overall Properties Map on Drawing Ex-01.



6. Section 503.1.C.1 – If preliminary plan is proposed to proceed to a final plan with the posting of financial security, a note should be added stating that approval of the preliminary plans does not authorize construction of facilities or recording of the plan. The developer should provide a cost estimate for the construction of the access drive and drainage facilities.
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 - b. Since the check dams and stormwater culvert are permanent stormwater facilities, they should be shown on Plan SP-01 and included in the Stormwater Maintenance Program on GD-01.
 - c. Is the detail for the Vegetated Channel intended for the existing swale shown on Plan GD-01? Is the intention to line it per the detail description? Will the swale be regraded to match the dimensions in the detail?
 - d. Please provide a detail for the seven check dams.
 - e. Please clarify the intention of the rock filter detail. It states that there are two proposed rock filters downstream of the culvert, but none are shown on the plans.
12. Section 609.g.3. – Final plan approval is contingent upon the Developer providing a Developer's Agreement regarding the maintenance of the stormwater facilities installed during this project.
13. General – The Township believes that a PennDOT bridge construction project may occur along S.R. 1001 during the time of this land development project. Please add the following note to the plans: "Construction vehicles shall not use Township roads to bypass State road detours."
14. General – Provide a detail of the solar panel, including how it is fixed into the ground and the ground cover at the base of the panel.



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1. Section 3.04.C.4c&d – The Engineering No Rise Certification is to be signed and sealed.
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4. General – The Floodplain Development Narrative states that tree removal will be required. On Land Development plans, show the extent of the tree removal.

Should you have any questions, please feel free to contact Kevin Hartman at the office at (814) 643-8260 or via email at kevin.hartman@ghd.com.

Sincerely,
GHD

Kevin J. Hartman, PE

Cc: Al Busher, BL
File: 11151895.10

Debra Brown

From: Rick Suder
Sent: Tuesday, August 28, 2018 9:22 AM
To: Kevin Hartman
Subject: Rex Heat Treat and County Jail Soar Field LD Review Letters
Attachments: Rex Heat Treat Review Letter.pdf; Bedford County Jail Solar Field Review Letter.pdf

Kevin,

Attached are your copies of the August 28 letters to the Bedford Township Supervisors on our review of the above LD Plans.

Rick



DONALD P. SCHWARTZ
Director

BEDFORD COUNTY PLANNING COMMISSION

200 SOUTH JULIANA STREET
BEDFORD, PENNSYLVANIA 15522

TELEPHONE: 814-623-4827

FAX: 814-623-5964 E-mail: dschwartz@bedfordcountypa.org
TTY-TDD: 1-800-654-5984

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Chairman

JOSEPH BAREFOOT
ROBERT W. DETWILER
ERNEST FULLER
KIMBERLEY LEYDIG
SUSAN RAMIREZ
MARY STANLEY
CHARLES SWARTZWELDER
PANDORA M. WERTZ

August 28, 2018

Bedford Township Supervisors
ATTN: Janie McMillen, Secretary/Treasurer
P.O. Box 148
Bedford, PA 15522

Re: Bedford County Jail Solar Field Preliminary Land Development Plan Review

Dear Supervisors:

On August 10, 2018, the Bedford County Planning Commission received one copy of the above referenced land development plan containing Sheets No. 01 through 07 dated August 3, 2018 prepared by BL Companies, Inc. for developer RER Energy Group, the County Review application, and review fee. Since the Planning Commission does not charge review fees for municipal or municipal driven projects, on August 20, 2018 the review fee was returned in the mail to BL Companies, Inc. We completed our review in accordance with your subdivision and land development ordinance and under the auspices of Section 502(b) of the PA Municipalities Planning Code (MPC) Act No. 247.

This plan proposes the installation of 5,184 photovoltaic solar panels mounted at 25 degrees on an 8.37-acre portion of Tax Parcel E.09-0.00-012-A containing 31.812 acres (deed) owned by the County of Bedford at 425 Imlertown Road. The plans show the site for the new solar field, situated on the parcel just south of the County Jail, will contain +/- 5.84-acres enclosed with a 6-foot chain link fence with two 10-foot access swing gates. The plans also show a 15-foot wide vegetated drive for service truck use around the perimeter of the facility just inside the fence. Access to the solar field will be by a 12-foot wide gravel driveway that connects to the existing bituminous driveway/access road to the County Jail connecting to S.R. 1001 Imlertown Road. The plans show a typical centerline distance of 25.21 feet between rows of solar panels with a typical clear distance of 13.5 feet between rows. A 10-foot by 12-foot electrical gear concrete pad is located within the fenced solar field and plans show other electrical components situated to the southwest of the jail facility with an underground electrical conduit. The plans include vegetated drainage swales, check dams in an existing drainage swale, and other improvements within a designated NPDES boundary for stormwater discharges associated with construction activities. A small area of wetlands are mapped on the parcel outside of the proposed solar field. Lastly, plans show the parcel with three areas of existing spoil piles and depressions that need removed.

The following comments are for your consideration. They are based upon county and municipal plans and your municipal subdivision and land development ordinance. Our review comments are not intended to replace your own review or to offer either legal or engineering advice.

1. Section 503.1.A.3. – The plan shows in several places the name and address of the landowner as the Bedford County Jail, 425 Imlertown Road, Bedford. According to the property deed, the landowner is not the Bedford County Jail but the County of Bedford, now at 200 South Juliana Street, Bedford. Plan information should show the correct name and address of the record owner of the property.
2. Section 503.1.A.16 – A signed, notarized statement by the owner (County of Bedford) certifying ownership of the property, acknowledging their intention to develop the property as depicted on the plans and authorizing recording of the plans needs to be completed. Township approval should be contingent upon the Statement of Ownership being completed.

3. Section 503.1.A.19. – There is no Bedford Township Planning Commission. This review block should be removed from the Plan Cover Sheet. Additionally, we see no requirement in the ordinance for a municipal engineer's review block to be on the plan for signature and space to fill in a date of signature. The engineer's plan review is normally in the form of a letter addressed to the Supervisors.
4. Section 503.1.A.19. – The plan should include a review block for signatures of authorized persons of the County Planning Commission along with space to fill in date of signatures.
5. Section 503.1.B.1 – The plan does not show a scaled version of the exterior boundary of the tract, only the southern portion of the property developed as a solar field. However, Sheet No. 3 does show an overall, not to scale, depiction of the parcel. We have no issues should you decide to accept the plan as submitted.
6. Section 503.1.B.5. – Plan Sheet 3 of 7 shows overhead wires cutting across a portion of the parcel to be developed. Existing easements, locations, width and purpose are to be on the plan.
7. Section 503.1.C. – If preliminary plan is to proceed to a final plan with the posting of financial security, this ordinance section requires a note should be added to the plan stating that approval of the preliminary plan does not authorize construction of facilities, the sale of lots, or recording of the plan. Section 406.1 indicates that the developer should provide the Township with a cost estimate for the construction of such improvement or common amenities such as parking, stormwater basins and other related stormwater facilities, facilities, buffer or screen plantings that may be required, as well as soil erosion controls as required in Section 611(a)(3)(b).
8. Section 503.1.C.13. – If preliminary plan is to proceed with a final plan submitted after completion of required improvements, a statement should be added to the plan that approval of preliminary plan authorizes construction of facilities depicted on the plans, but does not authorize sales of lots, construction of buildings, use of facilities, or recording of the plan. Section 406 states that after preliminary plan approval, the developer has up to five years to submit a final plan for approval.
9. Section 504.1.7.(b) –The design of the stormwater management controls for the proposed improvements should be in accordance with the approval of the Township Engineer. Additionally, Section 609(e) on stormwater drainage states that the stormwater management plan needs be reviewed and approved by the Township Engineer, and include the developer/owner's operation and maintenance plan of the stormwater management system. Adherence to approved stormwater requirements should ensure that needed management is provided.
10. General – Plan Sheet 05 of 07 provides information on the Operations and Maintenance Program of the Permanent Stormwater Facilities. It states that the permit applicant shall be responsible for the maintenance of permanent stormwater facilities located on the subject properties. The Township should be provided with clarification on who is the permit applicant, is it the developer (RER Energy Group), or the County of Bedford.
11. Section 504.2 – As a reminder your ordinance states that if required, the following documentation shall be submitted to the Township by the developer prior to final plan approval:
 - o A Soil Erosion and Sedimentation control plan review letter from the County Conservation District or an earth disturbance permit issued by DEP;
 - o Since the existing driveway connection to S.R. 1001 will be utilized to serve this development, information should be provided to the Township showing that there is an approved HOP at this location;
 - o An NPDES permit or other permits that may be required for discharges of stormwater; and
 - o If applicable, any documents pertaining to any proposed restrictive covenants.
12. General – It would be helpful if the plans provided information on the rows of solar panels such as how they are to be affixed on or in the land, type of structure, framing, their height, and type of ground cover at base of panels. In addition, the plans should show how the flow of electricity would be conveyed from the rows of panels (wiring/cablings underground or overhead).

13. General – The plan shows a small area of the solar field within Zone AE of the Dunning Creek floodplain. We recommend the plan show the base flood elevation or elevations of the solar field. Our understanding is that land may be platted for development with the provision that the developer install structures to preclude flood damage in accordance with the subdivision and land development ordinance and with other laws and ordinances regulating development.
14. General – The Township should be provided with more information on the project. Will the portion of the parcel be leased by the County to RER Energy Group and if so, for how many years? The Township may want to inquire if the lease includes a decommissioning plan to remove the solar panel systems at the end of their lifecycle that includes restoring the land to its original state.

Since the municipality has a subdivision & land development ordinance, the role of the County Planning Commission is limited to review and report on how the application fits with regard to the township or borough ordinance. The County Planning Commission can neither grant waivers from the requirements of township and borough ordinances, nor evaluate which sections of ordinances, if any, take precedence over others. The final decision on all issues relative to the approval of subdivision and land development plans rests with the local governing body. This report (review letter) is for the purpose of assisting the township or borough in the rendering of any decision or determination and shall be deemed to be recommendatory and advisory only.

The above comments are designed to assist in implementing the comprehensive plan and your municipal subdivision and land development ordinance. The Planning Commission suggests all land development be performed in accordance with applicable Federal, State and Township regulations. Sole authority for approval or disapproval of this land development plan lies with your governing body.

We kept the plan and all other project information we received for our files. The plans should be revised to reflect any or all comments including those from the Township Engineer as well as any comments your Solicitor may have. We will sign the Bedford County Planning Commission Review block on the plan that ultimately meets with your approval.

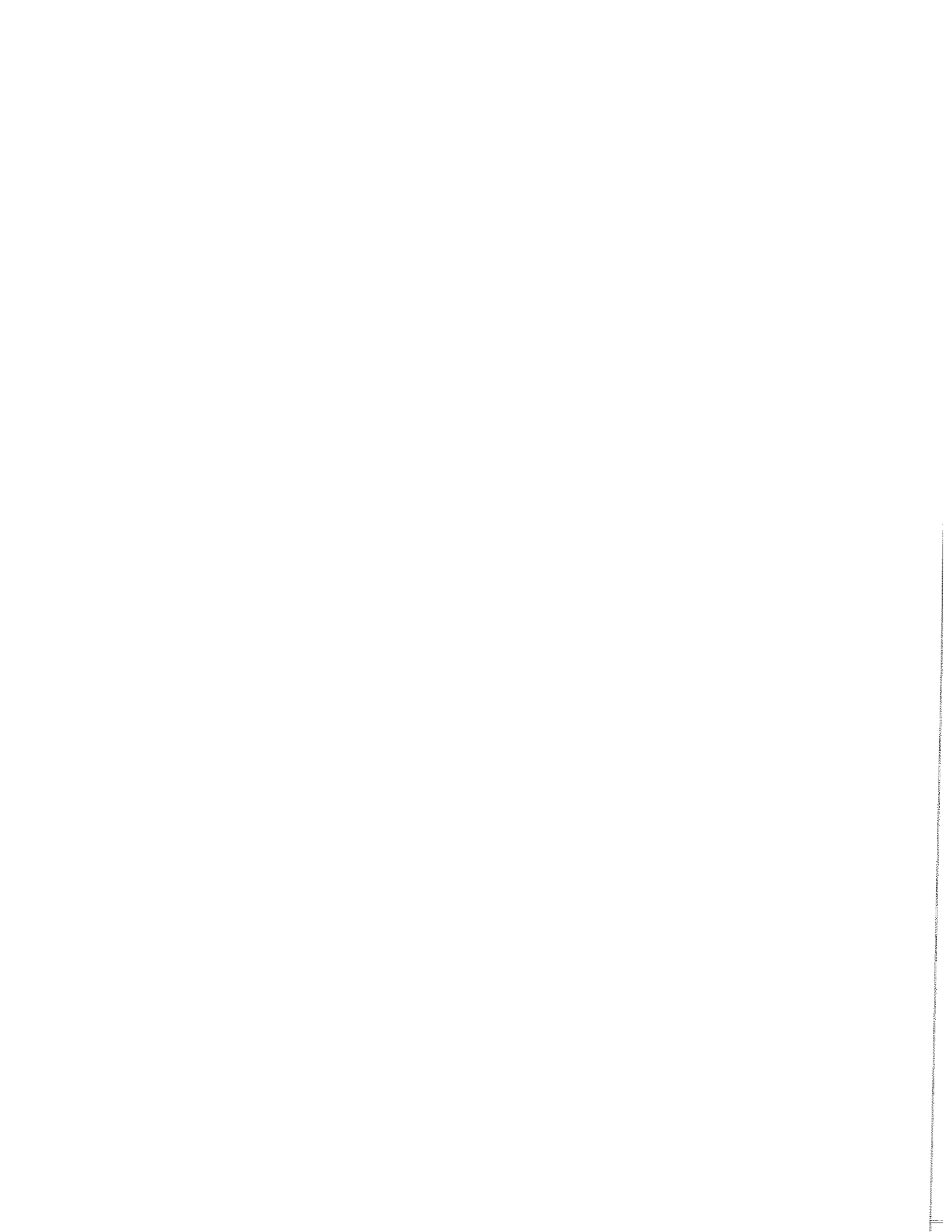
If you have any questions, please do not hesitate to contact Rick Suder or me at 623-4827.

Sincerely,



Donald P. Schwartz
Director

Cc: Bedford County Commissioners
Andrew Biederman, RER Energy Group
Alaric J. Busher, P.E., BL Companies, Inc.
Kevin Hartman, P.E., GHD, Inc. (via email)
Bradley D. Allison, Esq.





DONALD P. SCHWARTZ
Director

BEDFORD COUNTY PLANNING COMMISSION

200 SOUTH JULIANA STREET
BEDFORD, PENNSYLVANIA 15522

TELEPHONE: 814-623-4827

FAX: 814-623-5964 E-mail: dschwartz@bedfordcountypa.org
TTY-TDD: 1-800-654-5984

WAYNE KOONTZ
Chairman

JOSEPH BAREFOOT
ROBERT W. DETWILER
ERNEST FULLER
KIMBERLEY LEYDIG
SUSAN RAMIREZ
MARY STANLEY
CHARLES SWARTZWELDER
PANDORA M. WERTZ

August 28, 2018

Bedford Township Supervisors
ATTN: Janie McMillen, Secretary/Treasurer
P.O. Box 148
Bedford, PA 15522

Re: Rex Heat Treat Final Land Development Plan Review

Dear Supervisors:

On August 6, 2018, the Bedford County Planning Commission received from D. Royce Coughenour one copy of Drawing LDP1, and Drawings C1 through C7 prepared by Coughenour Engineering, Inc. dated June 2018, our review fee, and a copy of the Stormwater Management Plan dated July 30, 2018. On August 8, 2018, we received our review application signed by the Bedford Township Supervisors. We have completed our review of this plan under the provisions of your Subdivision and Land Development Ordinance and with the PA Municipalities Planning Code (MPC) Act No. 247.

This land development plan proposes to construct a 17,218 sq. ft. building addition 27' 6" in height to the existing Rex Heat Treat facility located at 7 Commerce Court in the Bedford County Business Park. The property, designated as Lot No. 8 in the original subdivision recorded in Plat Book 5, Page 223, is identified as County Tax Parcel E.07-0.00-305 containing 5.11 acres owned JAREX, LLC (J.W. Rex Company). Plan information indicates the building addition will house additional heat treat equipment and provide a warehouse area for shipping/storage. The project involves the removal of existing pavement and base material, removal of two underground utility lines, removal of existing concrete curbing, and removal of an existing embankment to provide the building code requirement of a 30-foot clear area around the new building addition. The new building will have two loading docks; require a modification to an existing dock level door to convert it to an at-grade garage door, and will be provided with a new electrical service. Plan information shows there is no change to the existing parking area and no additional employees will be added. The project is to disturb 0.95-acres. Stormwater from the property is collected and routed through an existing on-lot stormwater pond designed and constructed in 1998. Plan information indicates the existing stormwater design and existing pond was sized for the ultimate development of this property. It concludes that there will be no increase in stormwater leaving the site and no additions or changes needed to the existing stormwater system. Lastly, project information states that site preparation could begin in September 2018, building foundation and construction starting soon thereafter, and building occupancy in March 2019.

The following comments are your consideration based upon county and municipal plans, and the Township Subdivision and Land Development Ordinance (SALDO). The comments are not intended either to replace your own review or to offer either legal or engineering advice.

1. Section 406.1 – The plan is marked as a Final Land Development Plan. The type of plan submission for review is at the discretion of the municipality. Typically, plan review and approval is a two-step process, preliminary plan and final plan, where each plan is separately reviewed and approved. Since this is a final plan submission, this ordinance section requires that before requesting final plan approval, the applicant submit a certificate to the Township that all improvements have been completed as required by the ordinance. With no prior municipal approval of a preliminary plan, the other option in Section 406.1 is for the applicant to post a bond of financial security with the municipality. This security would be in an amount sufficient to cover the costs of improvements or common amenities such as roads, stormwater detention and/or retention facilities, related drainage facilities, and other amenities that may be required. This posting of financial security is also to include soil erosion and sedimentation controls as stipulated in Section

611.(a)(3)(b) of your ordinance. Is any financial security required and if so, has it been submitted by the applicant and approved by your engineer?

2. Section 503.1.A.2. – The plan should include the date of application to the Township for subdivision approval as required in this section of your subdivision and land development ordinance. This information was not on our plan copy. Section 401.3 indicates that upon receipt of a subdivision or land development application for approval, the Supervisors shall affix to the application both the date of submittal and the official filing date.
3. Section 503.1.A.16 – The notarized Property Ownership Certification signed by the owner certifying ownership of the property, their intention to develop the property depicted on the plan and the recording of said plan needs to be completed. Additionally, the plan includes a stormwater management block than needs the signature of the property owner and a certification block that needs the signature by the developer's engineer. Township plan approval should be contingent upon these sections being completed.
4. Section 504.1.7.(b) – Concerning stormwater management controls in this ordinance section and in Section 609, we recommend that the stormwater management plan be reviewed and approved by the Township Engineer. This review should also include the developer/owner's operation and maintenance plan of the stormwater management system. These reviews and approvals should ensure that needed stormwater management is provided.
5. Section 504.1.7.(f) – The plan is to show the finished ground floor elevations of the proposed building. Plan Sheet LDP 1 shows the existing first floor benchmark as 1172.00 ft. Does this number correspond to the finished first floor elevation of the building addition?
6. Section 504.1.7.(i) – We did not see whether any outdoor lighting is planned and if so, the type of fixtures and mountings that are proposed. We noted that your ordinance states that any illumination shall meet certain minimum standards and of the type avoiding glare above and onto adjacent properties.
7. Section 504.2.1 – This ordinance section indicates that evidence of a favorable review, in the form of a letter, of the soil erosion and sedimentation control plan by the Conservation District shall be provided to the Township prior to final plan approval.
8. General – We acknowledge the Declaration of Protective Covenants and Restrictions for the Bedford County Business Park of 1998 recorded at the Bedford County Recorder of Deeds Office in RB 690 PG 398. This Declaration:
 - o includes an array of improvement regulations that require the submission of complete sets of all plans and specifications for any improvement to an "Engineering Review Committee, (ERC)" for approval;
 - o indicates on Page 1 that it (Declaration) is "in addition to the subdivision and land development requirements imposed by Bedford County and or any other authorities having jurisdiction" (in this case the Bedford Township Supervisors); and
 - o indicates on Page 4 that the ERC "Reviews shall be coordinated with any required County or Township approvals or approvals of other governing bodies."

We recommend that plan review by the ERC and Bedford Township Supervisors be coordinated and that Bedford Township be notified of any requirements imposed by the ERC to be in addition to the Township subdivision and land development ordinance. The developer should provide the Township with information showing whether the development plans and specifications were submitted to and approved in writing by the ERC.

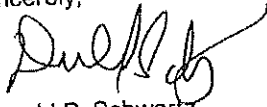
Since the municipality has a subdivision & land development ordinance, the role of the County Planning Commission is limited to review and report on how the application fits with regard to the township or borough ordinance. The County Planning Commission can neither grant waivers from the requirements of township and borough ordinances, nor evaluate which sections of ordinances, if any, take precedence over others. The final decision on all issues relative to the approval of subdivision and land development plans rests with the local governing body. This report (review letter) is for the purpose of assisting the township or borough in the rendering of any decision or determination and shall be deemed to be recommendatory and advisory only.

The above comments are offered in accordance with Section 502(b) of the MPC to assist in implementing the comprehensive plan, sewage facilities plan, and your municipal subdivision and land development ordinance. Sole authority for approval or disapproval of this project lies with your governing body.

We will sign the Bedford County Planning Commission County review block on the land development plan that ultimately meets with your approval. We kept our copy of the plan and other materials for our files.

If you have any questions, please do not hesitate to contact me or Rick Suder at 623-4827.

Sincerely,



Donald P. Schwartz
Director

Enclosures

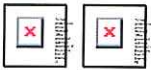
Cc: J.W. Rex Company
D. Royce Coughenour, Coughenour Engineering, Inc.
Kevin J. Hartman, P.E., GHD, Inc. (via email)
Bradley Allison, Esq.

Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Friday, September 7, 2018 12:35 PM
To: Troy Nelson; Tony Dixon
Subject: Fwd: Bedford Co. Jail Solar Project Details

Rodney G. Rose, Esq.

General Counsel and Director of Business Development
4700 Pottsville Pike Reading, PA 19605
o: 610-332-7232 c: 301-992-3007 f: 888-712-0734
rrose@rerenergygroup.com | www.rerenergygroup.com



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Named one of the nation's fastest growing private companies for the fourth consecutive year.



----- Forwarded message -----

From: Rodney Rose <rrose@rerenergygroup.com>
Date: Wed, Mar 21, 2018 at 11:00 AM
Subject: Bedford Co. Jail Solar Project Details
To: tnelson@bedfordcounty.org, tdixon@bedfordcounty.org

Gentlemen,

Thank you for speaking with me this morning regarding the Bedford County Jail Solar Project. I look forward to getting on site with you and walking through all the details of the implementation for this project. As I mentioned, this grant is a big win for the citizens and taxpayers of Bedford County.

As mentioned on the call, we are looking for some of the following information to include for our engineers for them to put together their final site development plan.

- 1) Existing Land Survey or Tax Map Survey and (if available) any land surveys or geotechnical surveys available. (If these are not available, we will dispatch our team to get these in place).
- 2) Confirmation of Primary Service voltage and size of the 4 aforementioned transformers. (If unknown, Bedford Electrical Co-Op will have the transformer info)
- 3) Make / Model and Specs on the Cummins Generator you mentioned this morning
- 4) Map identifying the wetlands area and the primary connection points (Meters or Utility Poles)

Thanks again and let me know if you have any questions on the above. I am looking forward to working with you to get this in the ground. Thanks again and stay safe in this wintry mess.

Rodney G. Rose, Esq.

General Counsel and Director of Business Development



Corporate: 4700 Pottsville Pike, Reading, PA 19605
Regional offices serving CT, DE, MD, NJ, NY and PA

c: 301-992-3007 • f: 888-712-0734

rrose@rerenergygroup.com • www.rerenergygroup.com

News at RER Energy Group

- Over 30 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Named one of Top 100 U.S. Solar Developers by Solar Power World

Debra Brown

From: Commissioner Dallara
Sent: Friday, October 5, 2018 3:59 PM
To: Debra Brown
Cc: Commissioner Lang; Commissioner Crooks
Subject: Rod Rose Conference call

Deb please coordinate a conference call with the commissioners on Oct 10, 2018 with Rod Rose of RER Energy. Thank you.

Sent from my iPhone

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, October 10, 2018 9:53 AM
To: Rodney Rose
Subject: Re: Project Update Call

Rod, Commissioner Crooks and I are available at 1:30 today to receive the updates on the project. Commissioner Lang is in Harrisburg today but I will pass on all of the info discussed today when he returns. Rod is it easiest for me to call your cell phone at 1:30?

Sent from my iPhone

On Oct 10, 2018, at 9:29 AM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Gentlemen,

Are we still able to have a quick chat this afternoon regarding the Solar Project. Would 2:30pm work? If yes I will send out the call n information to a conference line.

Rodney G. Rose, Esq.

General Counsel and Director of Business Development
4700 Pottsville Pike Reading, PA 19605
o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)
rrose@rerenergygroup.com | www.rerenergygroup.com



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On Fri, Oct 5, 2018 at 2:20 PM Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

Rodney

I could do Wed. mid-morning or mid -afternoon.

Paul

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, October 04, 2018 4:32 PM
To: Commissioner Dallara <bdallara@bedfordcountypa.org>; Commissioner Lang <jl原因@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Larry Myers <Larry.Myers@schneider-electric.com>
Subject: Project Update Call

Gentlemen,

I wanted to know when would be a good time to have a brief chat either tomorrow or next week so that I can provide some updated on the solar project and answer any questions you may have? I am available Tomorrow after 9am or Monday / Tuesday after 1pm. and then all day Wed and Thurs.

We are obtaining our final required permits and approvals for NPDS and Storm Water management and have a commitment from the investment partner to provide the capital for the project. We are still on time schedule with the completion date and are excited to begin the construction phase as soon as the final permits are obtained.

I know this is a busy week in your County with the Fall Foliage Events (My family and I will be coming to enjoy the festivities as well on Sunday afternoon) so please let me know the best time for a quick chat. I estimate all of my updates will take no longer than 20 min.

Have a nice evening and look forward to chatting soon.

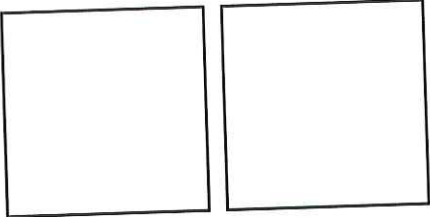
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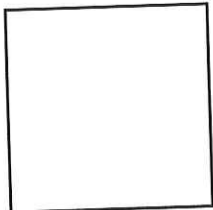
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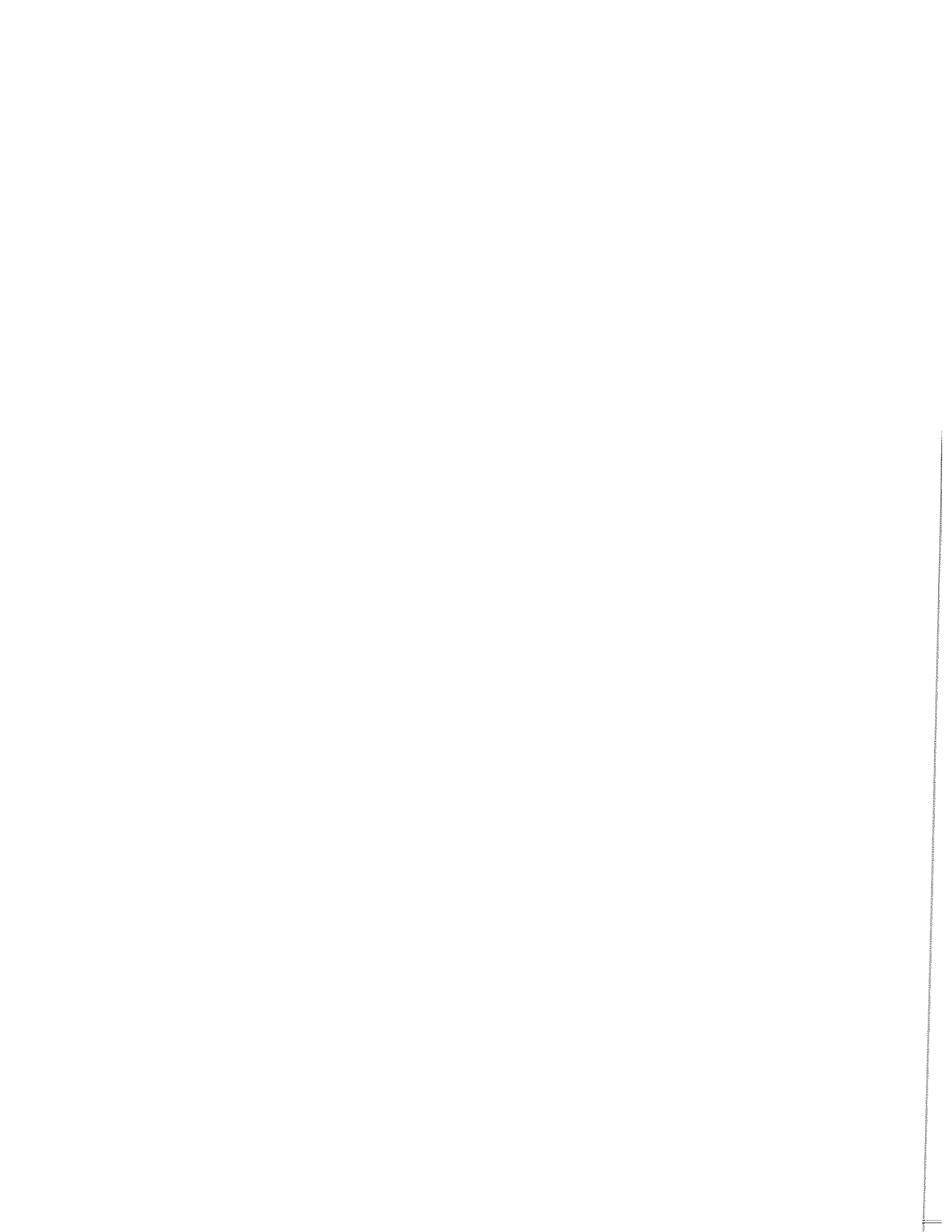
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Debra Brown

From: Commissioner Dallara
Sent: Wednesday, October 10, 2018 3:49 PM
To: Commissioner Lang
Cc: Commissioner Crooks
Subject: Conference Call with Rod Rose of RER Energy on 10/10/18

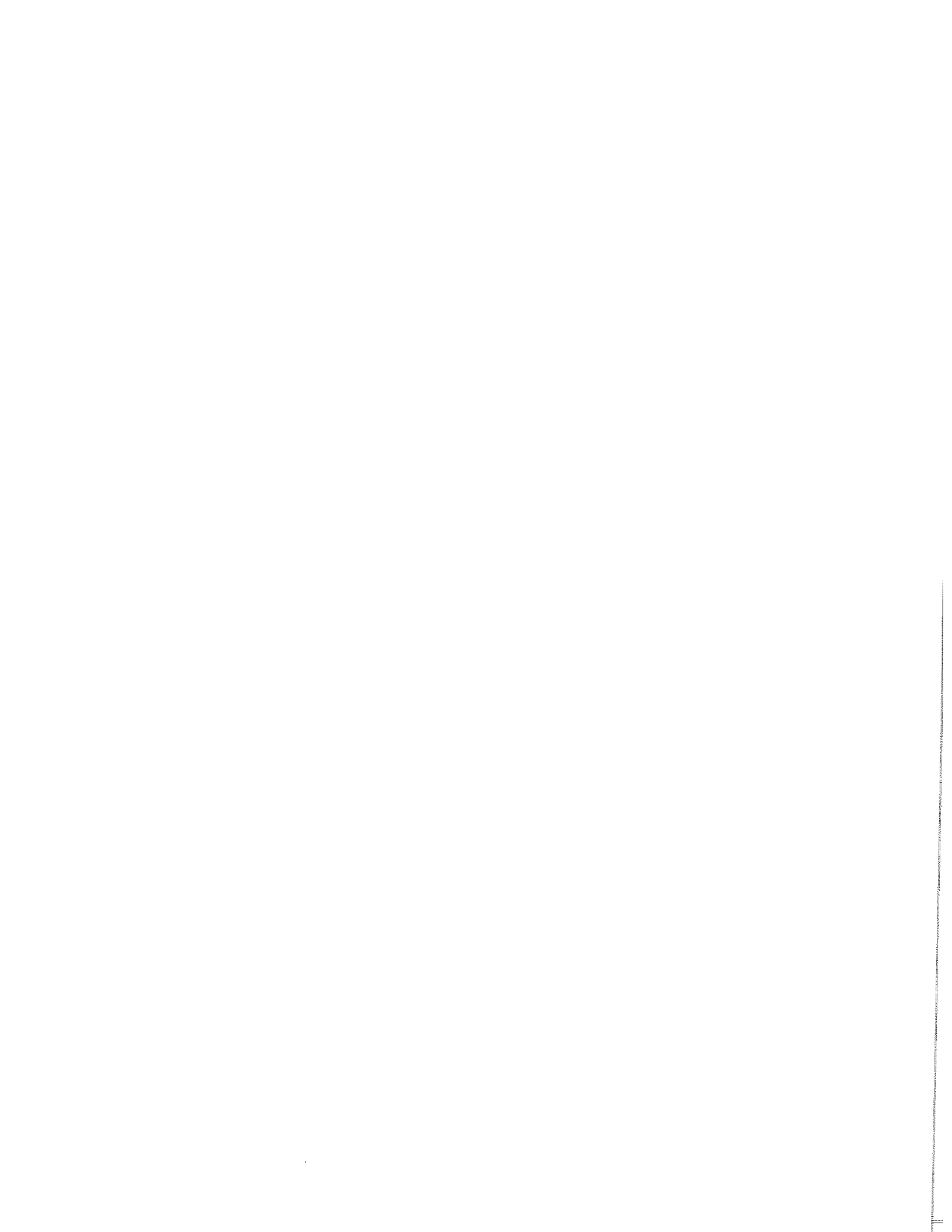
Josh, the purpose of the conference call today was to provide us with a status report regarding the Solar Project at the BCCF.

1. Rod indicated the the solar modules are now on site.

2. The Pendot wavier for construction access has been approved 3. Bedford Twp has received the plans and all of GDF's review comments were satisfactory 4. RER has two possible private sector investors, Sol Capital and General Electric solutions. Final selection of private investors will be late next week 5. Small permits to be secured by end of Oct.

6. Construction will start early Jan 2019 7. Construction should be completed NLT late March 8. Solar field should be on line NLT mid April 9. Energy savings should begin immediately 10. After final completion Rod Rose will meet with all of us as well as BCCF staff to discuss all protocols necessary to manage the solar field.

Sent from my iPhone



Debra Brown

From: Kevin Hartman <Kevin.Hartman@ghd.com>
Sent: Monday, October 29, 2018 11:39 AM
To: Rick Suder
Cc: Bedford Township Supervisors
Subject: RE: Bedford County Jail Solar Field Preliminary LD Plan

Rick,
The Township has approved the Preliminary Plan. The Township needs a signed copy of the preliminary plan. I suppose it makes sense to sign the County review block while you have it.

The engineer is now working on the Final Plan, with the goal to get contingent final plan approval at the 11/8 meeting. I expect the engineer will send the County the final plans for owner signature in the near future. On the final plans, I would hold off on the County Review signature until the Township approves at their next meeting.

Thanks,

Kevin J Hartman, PE

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321 Washington Street, Huntingdon, PA 16652 | www.ghd.com

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From: Rick Suder <Rsuder@bedfordcountypa.org>
Sent: Monday, October 29, 2018 11:28 AM
To: Kevin Hartman <Kevin.Hartman@ghd.com>
Cc: Bedford Township Supervisors <bedfordtwp@gmail.com>
Subject: Bedford County Jail Solar Field Preliminary LD Plan

Kevin,

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Thanks, Rick

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Debra Brown

From: Rick Suder
Sent: Monday, October 29, 2018 12:08 PM
To: Kevin Hartman
Cc: Bedford Township Supervisors; Donald Schwartz
Subject: RE: Bedford County Jail Solar Field Preliminary LD Plan

Ok, thanks Kevin.

We (Planning) never received a copy of the final plan for our review (along with our application and review fee (1/2 the cost of the Prelim. Plan)). I take it they are providing (or have provided) the Township with financial security in order to advance the final plan? So you don't see an issue with the County Commissioners completing their own notary block on the single cover sheet and County Planning signing our review block and returning the Cover Sheet to BL Companies?

Rick

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No issues with signing the preliminary plan.

There are multiple outstanding items for final plan, including financial security. I'll inform them about the additional review fees and copy for County.

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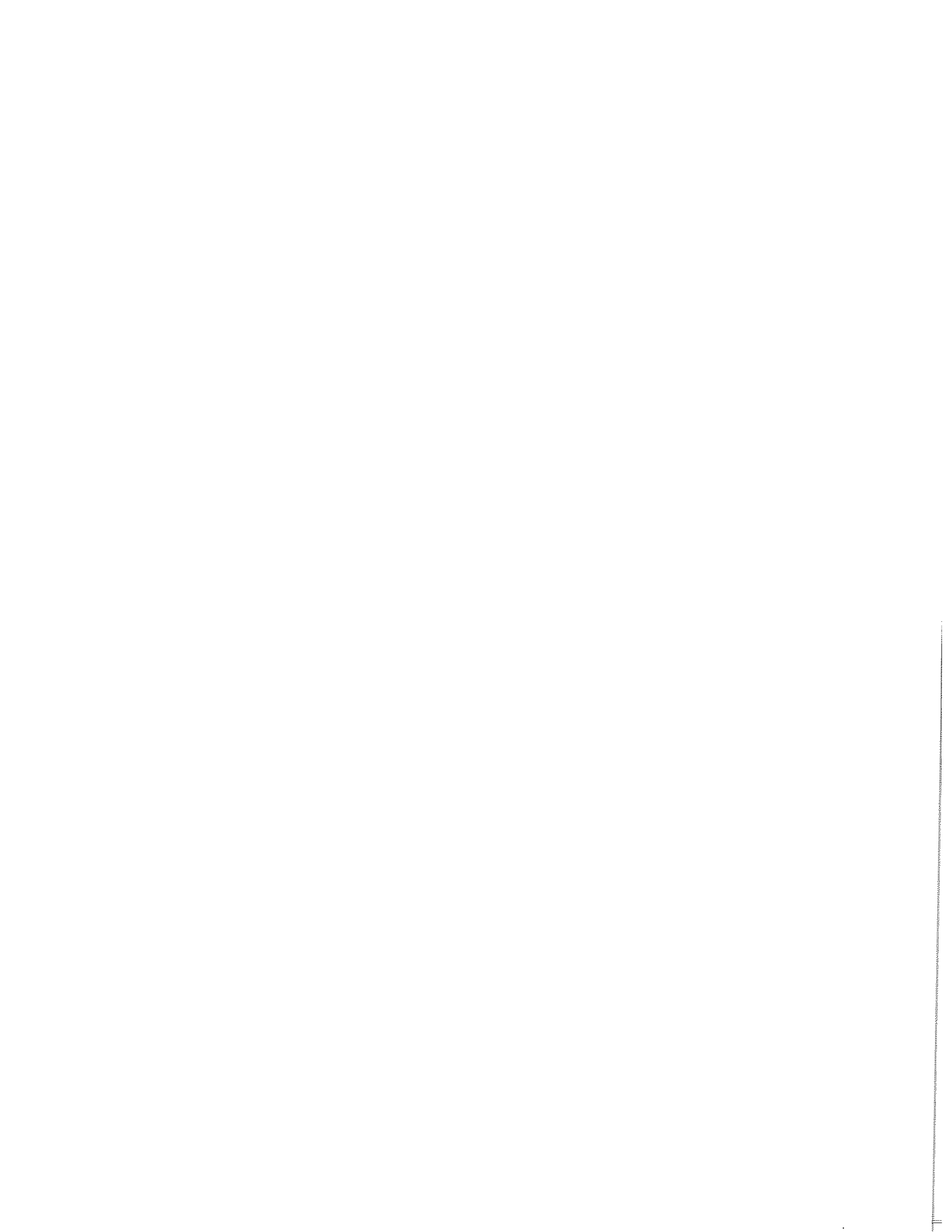
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Debra Brown

From: Rick Suder
Sent: Monday, October 29, 2018 12:51 PM
To: Kevin Hartman
Cc: Donald Schwartz; Bedford Township Supervisors
Subject: RE: Bedford County Jail Solar Field Preliminary LD Plan

Kevin,

CORRECTION.....There is no review fee for the County FINAL plan review like there was no County review fee for the Prelim Plan Review. Please pass this onto the developer's consultant. But we do need a copy of the final plan via Bedford Township Supervisors with our County application and Step 1 of the Application signed by Bedford Township.

Thanks, Rick

From: Kevin Hartman <Kevin.Hartman@ghd.com>
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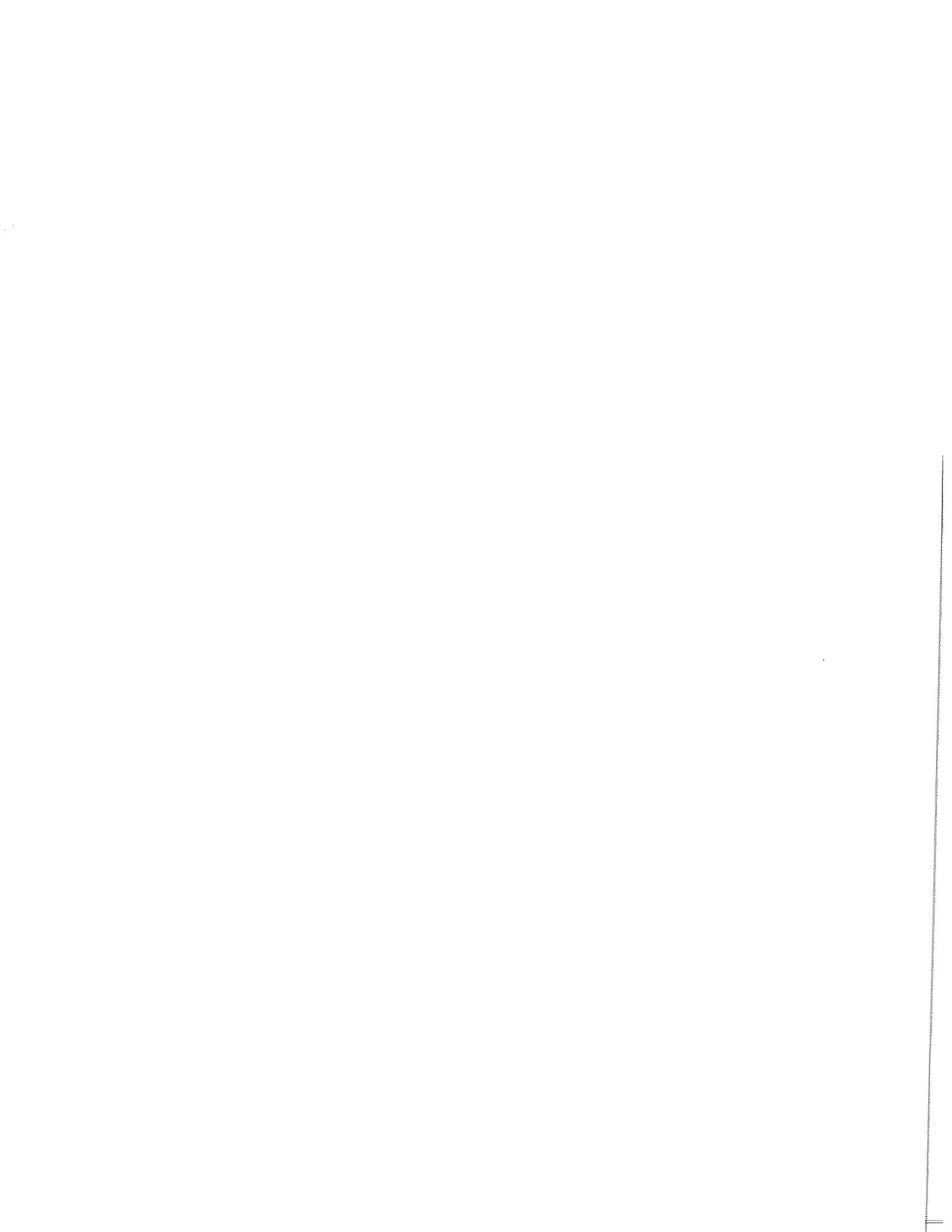
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Debra Brown

From: Archer, Michael <marcher@Blcompanies.com>
Sent: Thursday, November 1, 2018 3:28 PM
To: Rick Suder
Subject: RE: Bedford County Jail Solar Field Final LD Plan
Attachments: 2018-11-01 Bedford Co Solar Field Letter.pdf; C-LTR-18C6592-Bedford Township-Waiver Letter-2018-09-24.pdf

Good Afternoon Rick,

I have provided the application to Janie for processing and submission back to your attention. In the meantime, I have attached to this email the waiver request letter that was submitted to the Township and the Final Land Development Plan review letter that was received from the Bedford Township engineer earlier today.

If you have any questions or would like additional information, please contact me.

Thank you,

Mike

Michael E. Archer, PE
Senior Manager
BL Companies | *Employee owned. Client driven.*



2009 Mackenzie Way, Suite 100, Cranberry Twp, PA 16066
tel: 724.720.9475 | direct: 717.943.1678
mobile: 724.991.2325
www.blcompanies.com

From: Rick Suder <Rsuder@bedfordcountypa.org>
Sent: Thursday, November 1, 2018 9:13 AM
To: Archer, Michael <marcher@Blcompanies.com>
Cc: Bedford Township Supervisors <bedfordtwp@gmail.com>; Kevin Hartman <Kevin.Hartman@ghd.com>
Subject: Bedford County Jail Solar Field Final LD Plan

Mike,

On October 31 we received a copy of the final plan for County Planning Commission review via Fed Ex. If not already done or in progress, please complete the attached County Application and transmit it to Janie McMillen at Bedford Township to complete Step 1 and ask her to transmit it to me. Please note there is no County review fee for this plan review.

Thanks,

Rick Suder
Bedford County Planning Commission

Ps: Just to let you know that we (County Planning and Commissioners' as the land owner) signed and returned via U.S. Mail on October 30 the Cover Page for the Preliminary Plan.

ExchangeDefender Message Security: [Check Authenticity](#)

October 2, 2018

Bedford Township Supervisors
P.O. Box 148
Bedford, PA 15522

Re: Bedford County Jail
Solar Field Preliminary Land Development Plan (1st Submission)
425 Imlertown Road, Bedford Township, Bedford County, PA
BL Project No. 18C6592

Dear Bedford Township Supervisors,

As part of the Preliminary Land Development Plan, the Applicant is respectfully requesting a design waiver from the Bedford Township Subdivision & Land Development Ordinance. The waiver request is listed below with justifications, as follows:

§702.11 [SALDO] – All non-residential subdivisions and land developments shall include a landscaped buffer area of at least six (6) feet in width along all public roadways, and ten (10) feet in width along property lines abutting existing homes and/or homes under construction. In cases where the buffer area abuts homes, at least fifty (50) percent of the trees and shrubs shall consist of evergreens. Landscaping shall be at least three (3) feet in height at the time of planting. Density of plantings will obscure the view between adjacent properties except for crossings for interior roads, access and clear site triangles.

The waiver is being requested to allow for no proposed landscaped buffer area. The proposed lawn area has 10' of vegetation but it is not 3' in height due to a clear zone requirement which overlaps at least 7' of this vegetated area. The residential property to the south has over 300' of separation from the property line to the furthest point of the fence. This area does not have any proposed disturbances so the vegetation (exceeds 3') that is present now will remain after completion of the solar panels.

§904.c [SALDO] – For non-residential developments, all proposed structures shall be no closer than 50' to any right of way line or road.

The waiver is being requested to allow for the placement of the chain link fence and the solar panels to be within 50' of the Imlertown Road (SR 1001) Right-of-Way. These features will be placed outside of the required clear zone of SR 1001 as defined by PennDOT Publication 13 – Design Manual #2. A copy of the email from PennDOT confirming that the proposed location is acceptable is attached to this letter.

We respectfully request to be placed on the agenda for the next regularly scheduled Board of Supervisors Meeting scheduled for Tuesday, October 2, 2018. Should you have questions or require additional information, please contact me at marcher@blcompanies.com or at 717-943-1678.



An Employee-Owned Company

Sincerely,

BL Companies

Michael E. Archer, P.E.
Senior Project Manager - Engineering

cc: Kevin Hartman, P.E., GHD, Inc. (via email)
Andrew Biederman, RER Energy Group (via email)



November 1, 2018

Mr. Gregory L. Crist, Chairman
Bedford Township Supervisors
P.O. Box 148
Bedford, PA 15522

Dear Greg:

**Bedford County Jail
Solar Field Final Land Development Plan (1st Submission)**

We reviewed the Bedford County Jail Solar Field Final Land Development Plans (1st submission) last revised October 29, 2018, and received via email on October 31, 2018. The plans were prepared by Alaric James Busher, a registered professional engineer in the Commonwealth of Pennsylvania, of BL Companies, for Developer RER Energy Group and Landowner Bedford County Jail. The purpose of the project is to install 5,184 solar panels within a 6' chain link fence, a gravel/vegetated service drive, and associated site improvements within a 5.84 field perimeter on a lot owned by County of Bedford (Deed Book 549, Page 651, Tax ID E-09-0.00-012-A. The land use remains a correctional facility.

The comments from our review letter dated August 20, 2018 are included below in regular text and the comments from our review letter dated October 3, 2018 are included below in *italicized text*. The status of our original comments based on the revised plan submission immediately follows in ***bold, italicized text***. Based on our review of the proposed land development plans in accordance with the Bedford Township Subdivision and Land Development Ordinance (SALDO) and Floodplain Management Ordinance, we recommend approval of the final plan contingent on the Developer addressing the comments below to the satisfaction of the Township:

Subdivision and Land Development Ordinance Review Comments

1. Section 401.4 – Final approval is contingent on receiving the Bedford County Planning Commission (BCPC) plan review letter or expiration of 30 days from the date the plan was forwarded to the County for review.
The BCPC's letter has been received. They indicated they will sign the plan. SATISFIED.
Final approval is contingent on receiving the Bedford County Planning Commission (BCPC) plan review letter or expiration of 30 days from the date the plan was forwarded to the County for review. OUTSTANDING
2. Section 406.1 – Prior to final plan approval, the Township must first approve the Preliminary Plan. We recommend approval of the preliminary plan contingent on the Developer addressing the comments below. After preliminary plan approval, the Developer has five years to submit a Final Plan. Before requesting Final Plan approval, the Developer must submit either a certificate that all improvements and installations have been made as required by this Ordinance or a bond which shall deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements, including but not limited to roads and drainage facilities.
The Developer will submit Final Plan after Preliminary Plan approval. NO ACTION REQUIRED.
The Final Plan has been submitted. SATISFIED.



3. Section 503.1.A.16 – The ownership certificate and acknowledgement needs to be executed.
OUTSTANDING.
4. Section 503.1.A.19 – The signature block for the Township Planning Commission should be changed to the County Planning Commission.
This change has been made. SATISFIED.
5. Section 503.1.B.3 – Provide the name and deed reference of the adjacent property owner to the south. This can be shown on the Overall Properties Map on Drawing Ex-01.
The adjacent property owner information has been added. SATISFIED.
6. Section 503.1.C.1 – If preliminary plan is proposed to proceed to a final plan with the posting of financial security, a note should be added stating that approval of the preliminary plans does not authorize construction of facilities or recording of the plan. The developer should provide a cost estimate for the construction of the access drive and drainage facilities.
The note has been added to Sheet GN-01. SATISFIED.
The Developer submitted a cost estimate of \$17,150 for the work related to the access drive and drainage facilities. The estimate is acceptable. Prior to Final Plan approval, the Developer should provide the estimate on a separate document sealed by a professional engineer, and provide financial security in the amount of 110% of the cost estimate, in accordance with Section 406.1 of the SALDO. This comment is not applicable for preliminary plan approval, but remains outstanding for final plan approval.
The Developer provided a sealed cost estimate in the amount of \$17,180.00 The Developer is required to provide financial security in the amount of \$18,898.00 in accordance with Section 406.1 of the SALDO. OUTSTANDING.
7. Section 503.1.C.13 – If preliminary plan is proposed to proceed to construction, with a final plan submitted for approval after completion of required improvements, a note should be added stating that approval of preliminary plan authorizes construction of facilities depicted on plans, but does not authorize sales of lots, construction of buildings, use of facilities, or recording of plan.
The Developer does not plan to proceed with construction prior to Final Plan Approval. NO ACTION REQUIRED.
8. Section 504.2.1 & 5 – Final approval is contingent upon approval of the project's Soil & Erosion and Sedimentation Control Plan and NPDES permit for Stormwater Discharges Associated with Construction Activities.
This comment is not applicable for preliminary plan approval, but remains outstanding for final plan approval.
The Developer provided verification of NPDES approval. SATISFIED
9. Section 702.11 – All non residential land developments shall include a landscaped buffer area of at least 6' in width along all public roadways, and 10' in width along property lines abutting existing homes. Buffer areas shall meet requirements in this section of the ordinance. Please show the required roadway buffer area or request and justify a waiver from this section of the ordinance. Is there an adequate existing buffer between the land development and the residential property to the south?
The Developer shows a 10' lawn buffer along the public roadway and southern edge of proposed fence which is adjacent to the southern property. The proposed lawn area does not meet the definition of a landscaped buffer, which is to be 3' high at the time of planting, per this section of the ordinance. The Developer provided a waiver request dated 10/2/18. The request states that



the residential property to the south has over 300' of separation from the property line to the furthest point of the fence and the present vegetation serves as an adequate vegetative buffer. The request also states that vegetation 3' in height cannot be installed along the public roadway due to a PennDOT clear zone requirement that overlaps at least 7' of the vegetated area. The Township granted a waiver from this requirement at the 10/2/18 Township meeting. SATISFIED.

10. **Section 904.c** – For non residential developments, all proposed structures shall be no closer than 50' to any right of way line or road. The Township considers both the chain link fence and the solar panels to be structures. Both are within 50' of the Imlertown Road (S.R. 1001) right of way. The Township may grant a waiver from this requirement if the Developer receives written approval from PennDOT.

The Developer is requesting a waiver from this requirement. The chainlink fence is 10' from the right of way line and the solar panels are 25' from the right of way line. The Developer has provided correspondence from PennDOT stating that the "clear zone" of S.R. 1001 was found to be acceptable. The Township granted a waiver from this requirement at the 10/2/18 Township meeting. SATISFIED.

11. **Section 609** – Below are our comments on the stormwater drainage:

- a. Please show the two drainage areas (POI 1 and LOA 2) on the Land Development Plans. *The drainage areas are shown on Sheet GD-01. SATISFIED.*
- b. Since the check dams and stormwater culvert are permanent stormwater facilities, they should be shown on Plan SP-01 and included in the Stormwater Maintenance Program on GD-01. *The features have been added to Sheet SP-01, and the operation and maintenance have been specified. SATISFIED.*
- c. Is the detail for the Vegetated Channel intended for the existing swale shown on Plan GD-01? Is the intention to line it per the detail description? Will the swale be regraded to match the dimensions in the detail? *The existing swale will be regraded to match the dimensions shown in the details and lined as per the detail description. SATISFIED.*
- d. Please provide a detail for the seven check dams. *The detail has been added to Sheet DN-02. SATISFIED.*
- e. Please clarify the intention of the rock filter detail. It states that there are two proposed rock filters downstream of the culvert, but none are shown on the plans. *The rock filters are no longer part of the design, and the details have been removed from the plans. SATISFIED.*

12. **Section 609.q.3** – Final plan approval is contingent upon the Developer providing a Developer's Agreement regarding the maintenance of the stormwater facilities installed during this project. *This comment is not applicable for preliminary plan approval, but remains outstanding for final plan approval.*

Final Approval is contingent upon the Developer providing a Developer's Agreement regarding the maintenance of the stormwater facilities installed during this project. OUTSTANDING.

13. **General** – The Township believes that a PennDOT bridge construction project may occur along S.R. 1001 during the time of this land development project. Please add the following note to the plans: "Construction vehicles shall not use Township roads to bypass State road detours." *This note has been added to Sheet GN-01. SATISFIED.*



14. **General** – Provide a detail of the solar panel, including how it is fixed into the ground and the ground cover at the base of the panel.
A solar panel detail is provided on Sheet DN-01. The detail shows driven posts and vegetated final grade. The dimensions on the detail are not clear. The final plan should provide this detail in more clarity.
The detail is provided in more clarity. SATISFIED.
15. **General** – Please provide Township with the estimated construction cost, anticipated start date, and anticipated end date.
The estimated total construction cost of the project is \$1,403,000. The anticipated start date is 11/19/2018 and the anticipated end date is 6/7/18. SATISFIED.
16. **New Comment: Verify with the Bedford County Airport Authority that the project is consistent with the Airport Zoning Ordinance. OUTSTANDING.**
The Developer provided a statement from Vincent DeCarlo on behalf of the Airport Authority verifying that the project is acceptable for Airport Hazard Zoning. SATISFIED.

Floodplain Management Ordinance Review Comments

1. **Section 3.04.C.4c&d** – The Engineering No Rise Certification is to be signed and sealed.
The No Rise Certificate is signed and sealed. SATISFIED.
2. **Section 5.03.H** – The Floodplain Development Narrative states that solar panels and foundations were designed to resist uplift and lateral movement resulting from flooding, to the maximum extent practicable. Provide a detail of the solar panel on the land development plans, including how it is fixed into the ground and the ground cover at the base of the panel.
The detail has been added to sheet SP-01. The Developer states that the panel poles will be driven into the ground at depths specified by panel manufacturer. SATISFIED.
3. **Section 503.L** – Electrical, mechanical, or utility equipment or apparatus shall not be located below the regulatory flood elevation. The Floodplain Development Narrative states that no utilities other than those required to operate the solar panels are proposed within the floodplain. Please show all proposed utilities within the floodplain on the Land Development plans.
An electric conduit line is shown within the floodplain. SATISFIED.
4. **General** – The Floodplain Development Narrative states that tree removal will be required. On Land Development plans, show the extent of the tree removal.
The limits of tree removal are shown on Sheet SP-01. SATISFIED.
5. **General** - The Floodplain Narrative states that the solar panels within the floodplain will displace insignificant volume, and any floodplain volume occupied by the components are expected to be offset by the proposed tree removal within the floodplain. The Township will require technical data to support this comment.
The Developer provided technical data stating that tree removal within the floodplain had over 30 times the volume of solar panel installation within the floodplain. SATISFIED.
The scope of tree removal has been reduced due to comments from the Bedford County Conservation District. A revised Floodplain Narrative was submitted, showing that the tree removal within the floodplain had over 13 times the volume of solar installation within the floodplain. SATISFIED.



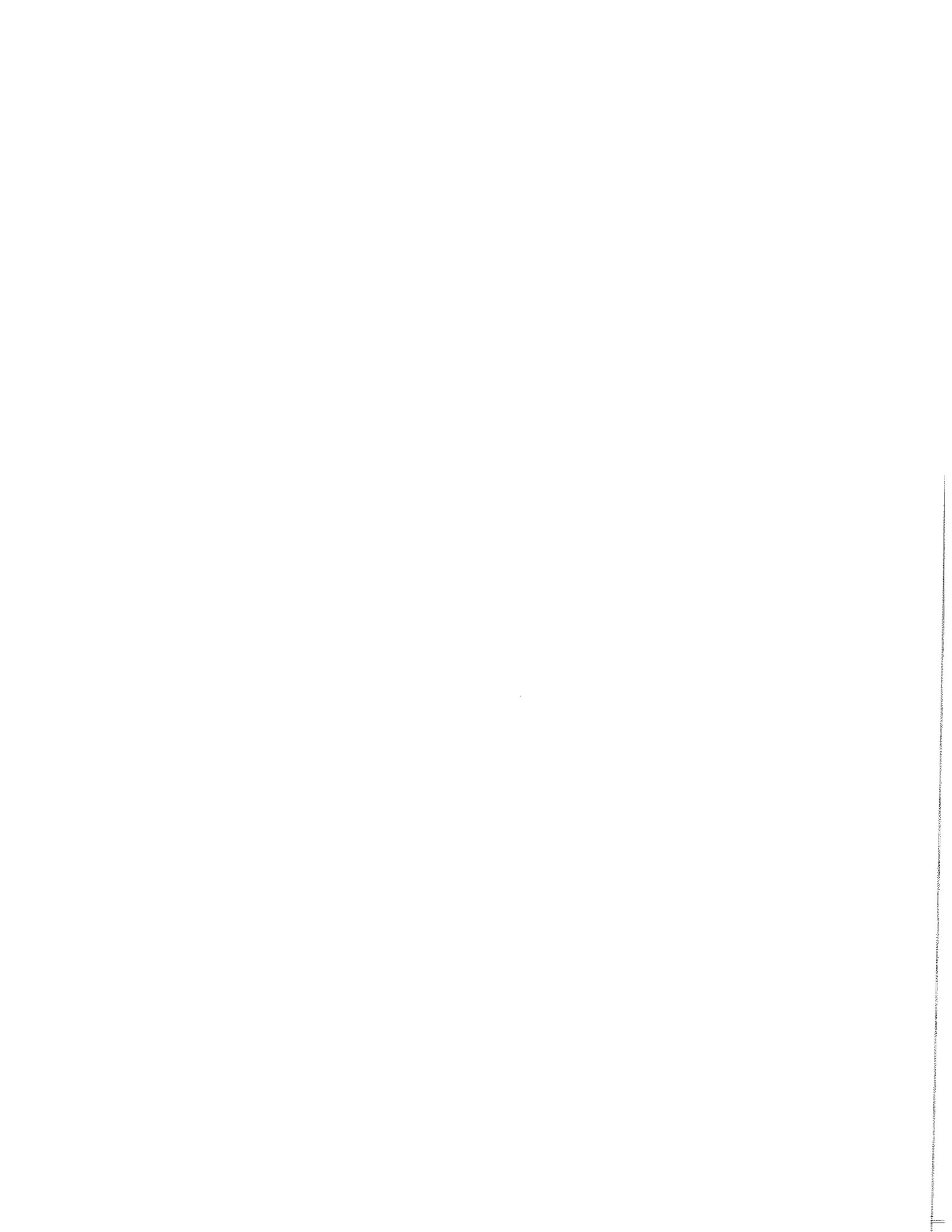
Should you have any questions, please feel free to contact Kevin Hartman at the office at (814) 643-8260 or via email at kevin.hartman@ghd.com.

Sincerely,
GHD

A handwritten signature in black ink that reads "Kevin Hartman". The signature is written in a cursive, slightly slanted style.

Kevin J. Hartman, PE

Cc: Mike Archer, BL
File: 11151895.10



Debra Brown

Subject: Teleconference with Rodney Rose
Location: Commissioners Suite

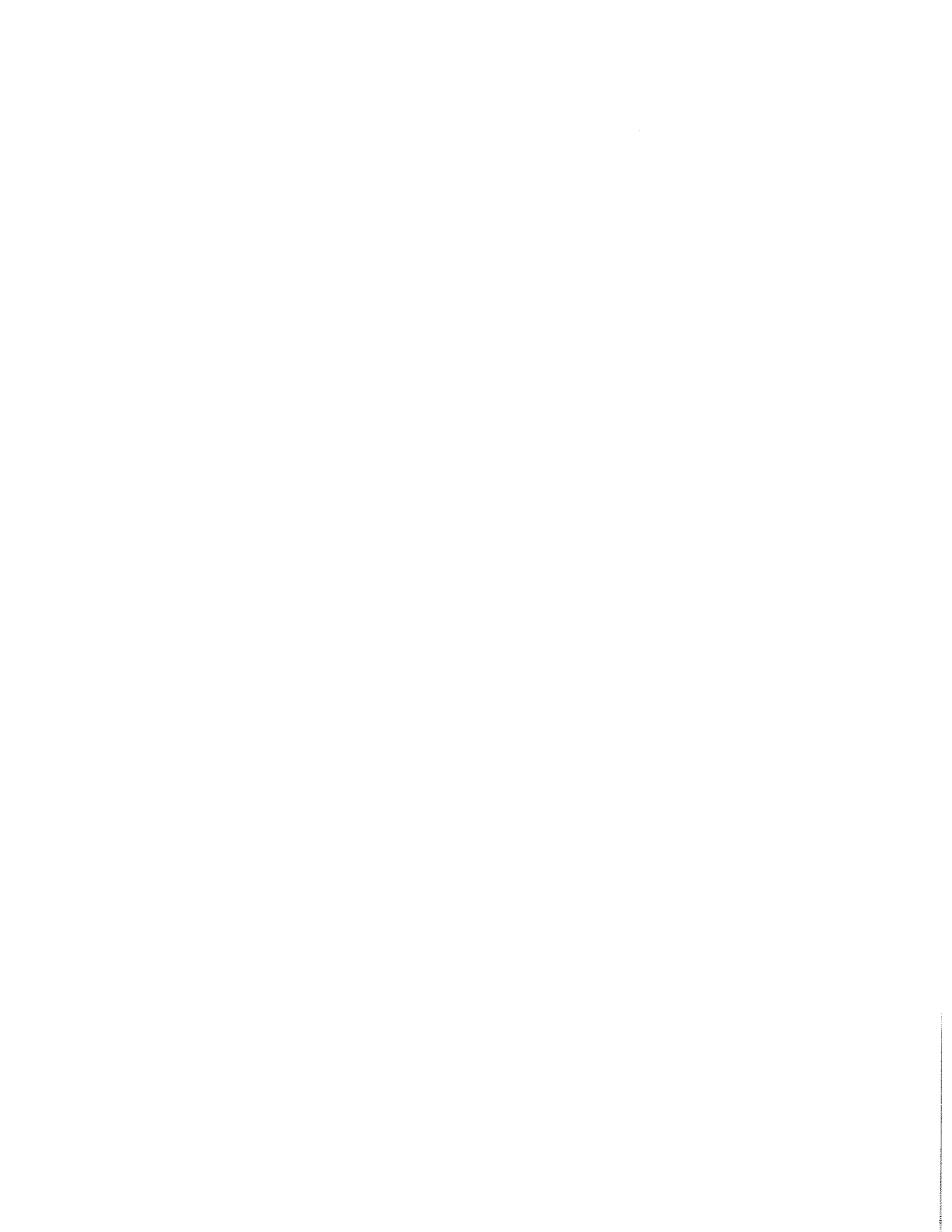
Start: Thu 11/15/2018 11:00 AM
End: Thu 11/15/2018 11:15 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Crooks; Commissioner Dallara

He is calling to discuss the project update for jail



Debra Brown

Subject: Teleconference with Rodney Rose
Location: Commissioners Suite

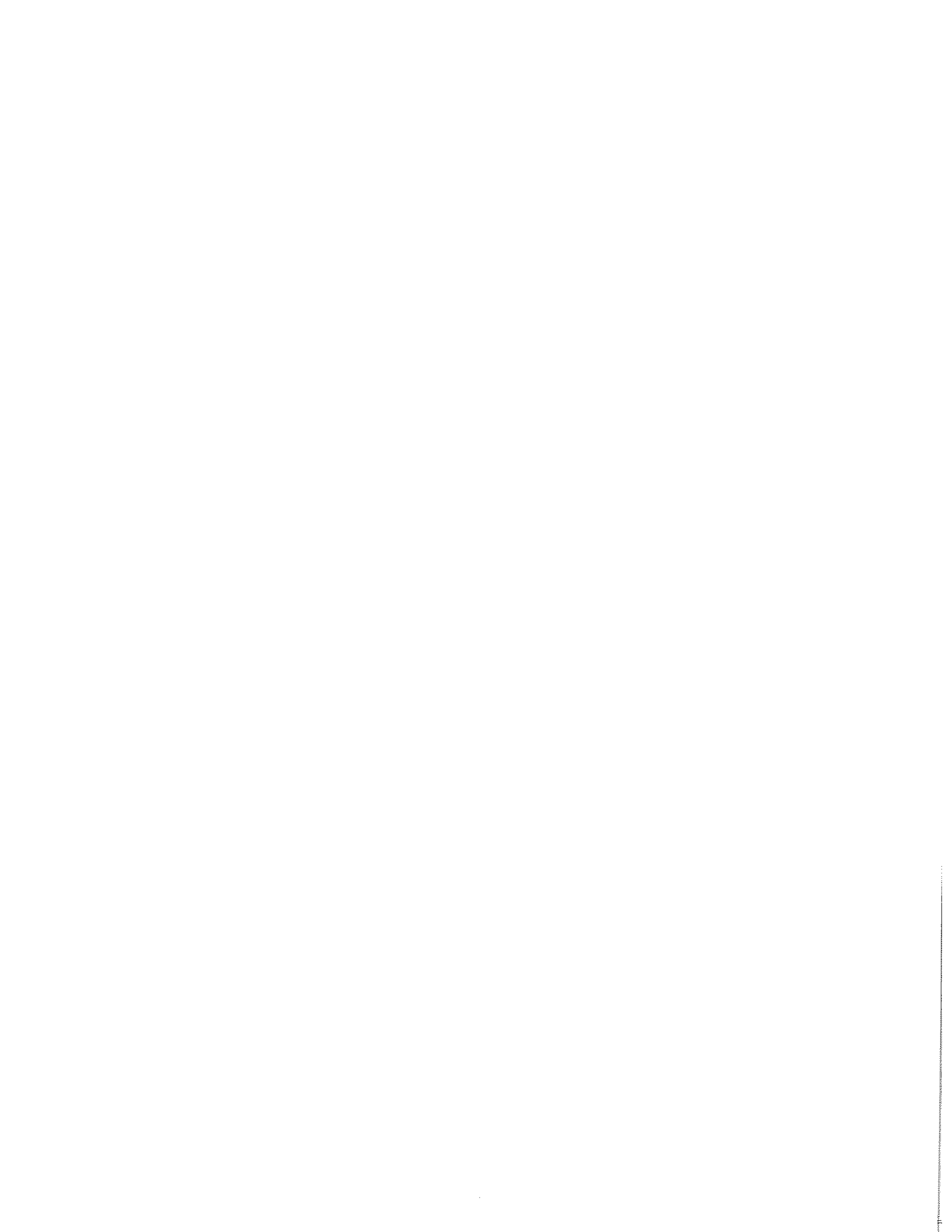
Start: Thu 11/15/2018 11:00 AM
End: Thu 11/15/2018 11:15 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Crooks; Commissioner Dallara

He is calling to discuss the project update for jail



Debra Brown

Subject: Invitation: Bedford Groundbreaking (Solar) Planning Call @ Wed Nov 14, 2018 10:30am - 11:30am (EST) (dbrown@bedfordcountypa.org)

Start: Wed 11/14/2018 10:30 AM
End: Wed 11/14/2018 11:30 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: rrose@rerenergygroup.com

[more details »](#)

Bedford Groundbreaking (Solar) Planning Call

When Wed Nov 14, 2018 10:30am – 11:30am Eastern Time - New York

Joining info meet.google.com/vta-bcqs-tos

Or dial: +1 904-580-9488 PIN: 418836755#

Calendar dbrown@bedfordcountypa.org

Who

- rrose@rerenergygroup.com - organizer
- dbrown@bedfordcountypa.org
- ldrei@rerenergygroup.com

PLEASE USE THE FOLLOWING CALL IN INFORMATION

Conference Dial-in Number: (515-603-3193)

Participant Access Code: 986304#

Discussion items to include Bedford Jail Solar Groundbreaking Planning

- Date and Time

- Events and Program Agenda

- Guest List

- Press Release / Media Pre Release & Invite

Going (dbrown@bedfordcountypa.org)? [Yes](#) - [Maybe](#) - [No more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account dbrown@bedfordcountypa.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Debra Brown

Subject: Invitation: Bedford Jail and Courthouse Solar Array Catch Up Call @ Thu Nov 15, 2018 11am - 11:30am (EST) (bdallara@bedfordcountypa.org)

Start: Thu 11/15/2018 11:00 AM
End: Thu 11/15/2018 11:30 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: rrose@rerenergygroup.com

[more details »](#)

Bedford Jail and Courthouse Solar Array Catch Up Call

When Thu Nov 15, 2018 11am – 11:30am Eastern Time - New York

Joining info meet.google.com/rej-ahtx-ijv

Or dial: +1 605-653-3545 PIN: 966702432#

Calendar bdallara@bedfordcountypa.org

Who

- rrose@rerenergygroup.com - organizer
- dbrown@bedfordcountypa.org
- pcrooks@bedfordcountypa.org
- bdallara@bedfordcountypa.org
- jlang@bedfordcountypa.org

Please use the following Call In information

Conference Dial-in Number: (515-603-3193)

Participant Access Code: 986304#

Catch up on Bedford Jail Solar

- Groundbreaking

- Construction Schedule

- Timelines

- Interconnection to Utility

Going (bdallara@bedfordcountypa.org)? [Yes](#) - [Maybe](#) - [No more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account bdallara@bedfordcountypa.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Debra Brown

Subject: Invitation: Bedford Jail and Courthouse Solar Array Catch Up Call @ Thu Nov 15, 2018 11am - 11:30am (EST) (dbrown@bedfordcountypa.org)

Start: Thu 11/15/2018 11:00 AM
End: Thu 11/15/2018 11:30 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: rrose@rerenergygroup.com

[more details »](#)

Bedford Jail and Courthouse Solar Array Catch Up Call

When Thu Nov 15, 2018 11am – 11:30am Eastern Time - New York

Joining info meet.google.com/rej-ahtx-ijv

Or dial: +1 605-653-3545 PIN: 966702432#

Calendar dbrown@bedfordcountypa.org

Who

- rrose@rerenergygroup.com - organizer
- dbrown@bedfordcountypa.org
- pcrooks@bedfordcountypa.org
- bdallara@bedfordcountypa.org
- jlang@bedfordcountypa.org

Please use the following Call In information

Conference Dial-in Number: (515-603-3193)

Participant Access Code: 986304#

Catch up on Bedford Jail Solar

- Groundbreaking

- Construction Schedule

- Timelines

- Interconnection to Utility

Going (dbrown@bedfordcountypa.org)? [Yes](#) - [Maybe](#) - [No more options »](#)

Invitation from [Google Calendar](#)

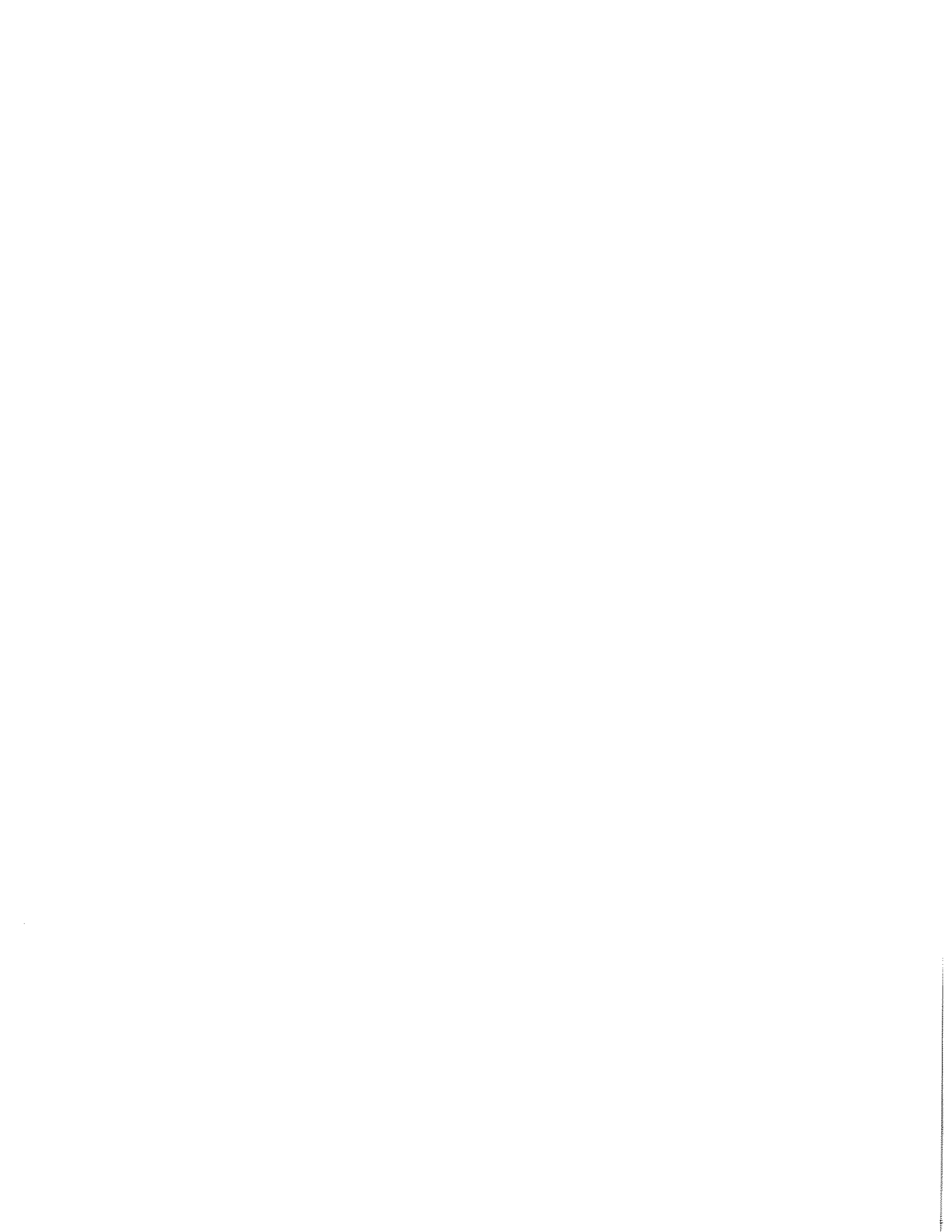
You are receiving this courtesy email at the account dbrown@bedfordcountypa.org because you are an attendee of this event.

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Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, November 13, 2018 9:40 AM
To: Debra Brown
Subject: Accepted: Teleconference with Rodney Rose



Debra Brown

From: Commissioner Dallara
Sent: Tuesday, November 13, 2018 2:30 PM
To: rrose@reenergygroup.com
Subject: Accepted: Invitation: Bedford Jail and Courthouse Solar Array Catch Up Call @ Thu Nov 15, 2018 11am - 11:30am (EST) (bdallara@bedfordcountypa.org)

Debra Brown

Subject: FW: Invitation: Bedford Groundbreaking (Solar) Planning Call @ Wed Nov 14, 2018 10:30am - 11:30am (EST) (dbrown@bedfordcountypa.org)

Start: Wed 11/14/2018 10:30 AM
End: Wed 11/14/2018 11:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Tentatively accepted

Organizer: rrose@rerenergygroup.com

-----Original Appointment-----

From: rrose@rerenergygroup.com <rrose@rerenergygroup.com>

Sent: Tuesday, November 13, 2018 9:28 AM

To: rrose@rerenergygroup.com; Debra Brown; ldrei@rerenergygroup.com

Subject: Invitation: Bedford Groundbreaking (Solar) Planning Call @ Wed Nov 14, 2018 10:30am - 11:30am (EST) (dbrown@bedfordcountypa.org)

When: Wednesday, November 14, 2018 10:30 AM-11:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where:

[more details »](#)

Bedford Groundbreaking (Solar) Planning Call

When Wed Nov 14, 2018 10:30am – 11:30am Eastern Time - New York

Joining info meet.google.com/vta-bcqs-tos

Or dial: +1 904-580-9488 PIN: 418836755#

Calendar dbrown@bedfordcountypa.org

Who

- rrose@rerenergygroup.com - organizer
- dbrown@bedfordcountypa.org
- ldrei@rerenergygroup.com

PLEASE USE THE FOLLOWING CALL IN INFORMATION

Conference Dial-in Number: (515-603-3193)

Participant Access Code: 986304#

Discussion items to include Bedford Jail Solar Groundbreaking Planning

- Date and Time

- Events and Program Agenda

- Guest List

- Press Release / Media Pre Release & Invite

Going (dbrown@bedfordcountypa.org)? [Yes](#) - [Maybe](#) - [No more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account dbrown@bedfordcountypa.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, November 14, 2018 10:16 AM
To: rrose@reenergygroup.com
Subject: Tentative: FW: Invitation: Bedford Groundbreaking (Solar) Planning Call @ Wed Nov 14, 2018 10:30am - 11:30am (EST) (dbrown@bedfordcountypa.org)

Debra Brown

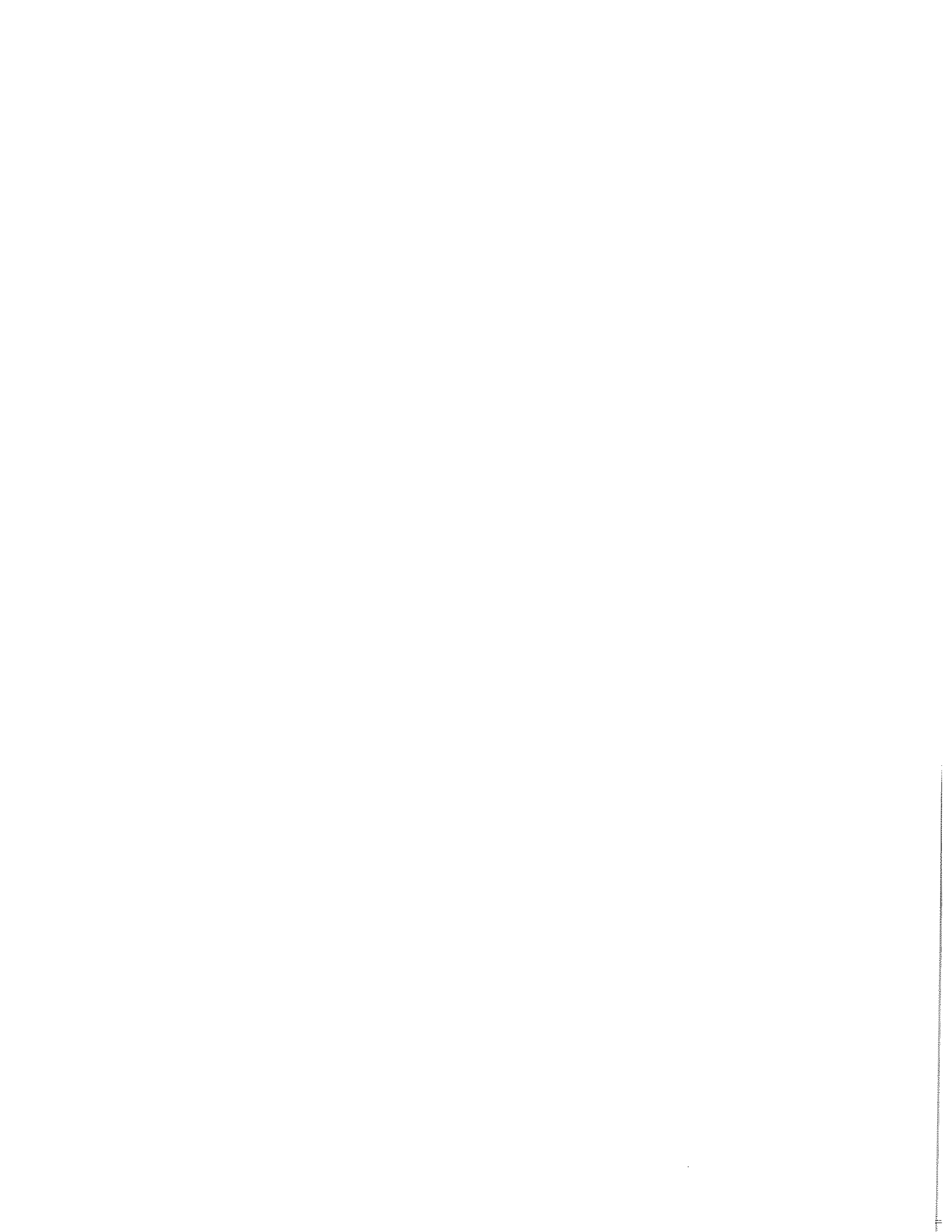
Subject: Groundbreaking Ceremony - Solar Panels
Location: Bedford County Prison

Start: Wed 12/12/2018 3:00 PM
End: Wed 12/12/2018 4:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Dallara; Commissioner Crooks



Debra Brown

Subject: Groundbreaking Ceremony - Solar Panels
Location: Bedford County Prison

Start: Wed 12/12/2018 3:00 PM
End: Wed 12/12/2018 4:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Dallara; Commissioner Crooks

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, November 14, 2018 11:00 AM
To: Debra Brown
Subject: Accepted: Groundbreaking Ceremony - Solar Panels

Debra Brown

Subject: Lunch Meeting with Rodney Rose
Location: Ed's Steak House

Start: Wed 12/12/2018 1:00 PM
End: Wed 12/12/2018 2:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Crooks; Commissioner Dallara; Troy Nelson; Jason Moore; rose@rerenergygroup.com; Linda Drei

Prior to the groundbreaking ceremony.



Debra Brown

Subject: Lunch Meeting with Rodney Rose
Location: Ed's Steak House

Start: Wed 12/12/2018 1:00 PM
End: Wed 12/12/2018 2:00 PM

Recurrence: (none)

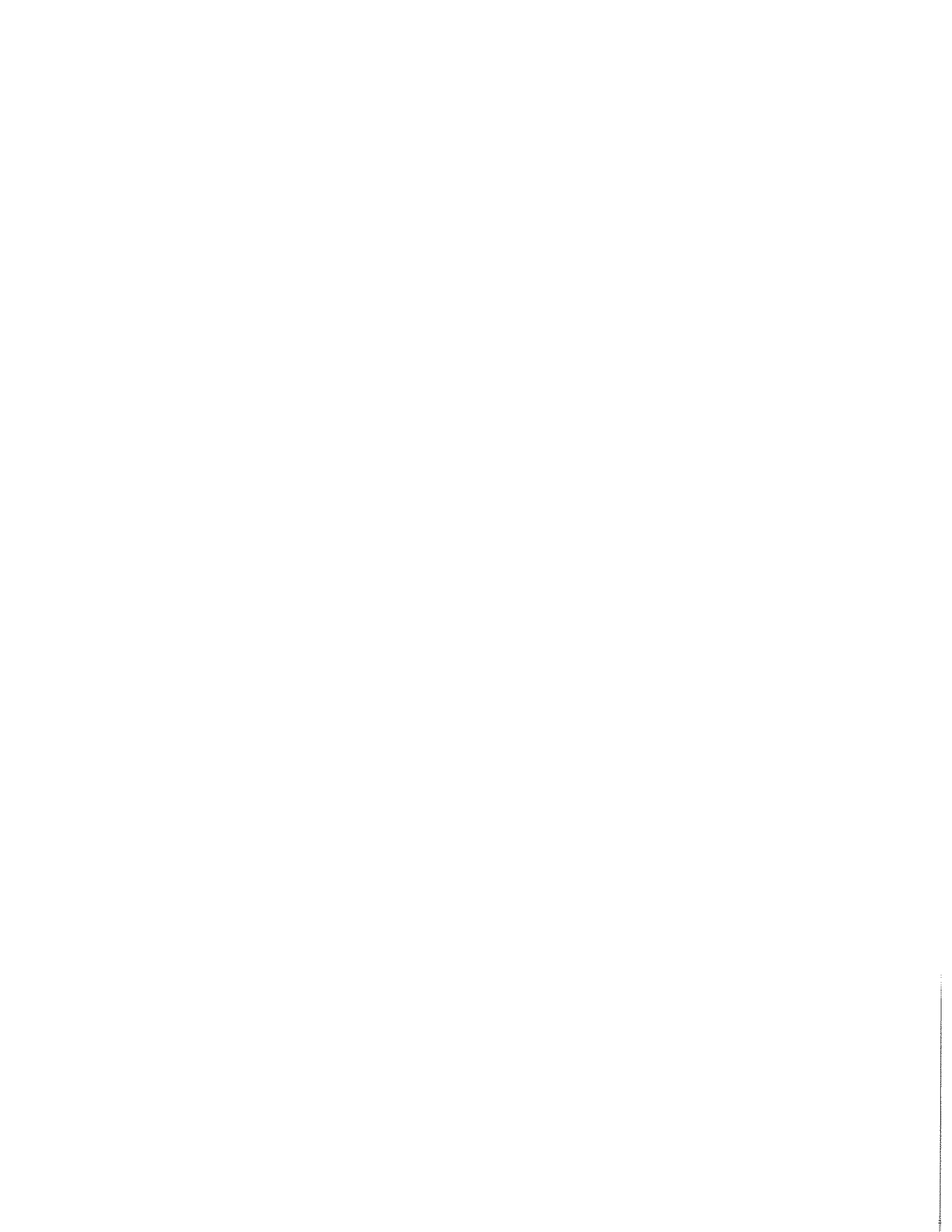
Meeting Status: Accepted

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Crooks; Commissioner Dallara

Prior to the groundbreaking ceremony.

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, November 14, 2018 11:05 AM
To: Debra Brown
Subject: Accepted: Lunch Meeting with Rodney Rose



Debra Brown

Subject: Updated invitation: Bedford Co. Jail and Courthouse Solar Groundbreaking Cer... @
Wed Dec 12, 2018 3pm - 4pm (EST) (dbrown@bedfordcountypa.org)

Start: Wed 12/12/2018 3:00 PM
End: Wed 12/12/2018 4:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: rrose@rerenergygroup.com

This event has been changed.

[more details »](#)

Bedford Co. Jail and Courthouse Solar Groundbreaking Ceremony

When **Changed:** Wed Dec 12, 2018 3pm – 4pm Eastern Time - New York

Joining info meet.google.com/xqx-wfbi-xti

Or dial: +1 567-275-2748 PIN: 214201053#

Calendar dbrown@bedfordcountypa.org

Who

- rrose@rerenergygroup.com - organizer
- dbrown@bedfordcountypa.org
- pcrooks@bedfordcountypa.org
- Jim Kurtz
- larry.myers@schneider-electric.com
- Chris Flynn
- bdallara@bedfordcountypa.org
- ldrei@rerenergygroup.com
- jlang@bedfordcountypa.org

Going (dbrown@bedfordcountypa.org)? [Yes](#) - [Maybe](#) - [No more options »](#)

Invitation from [Google Calendar](#)

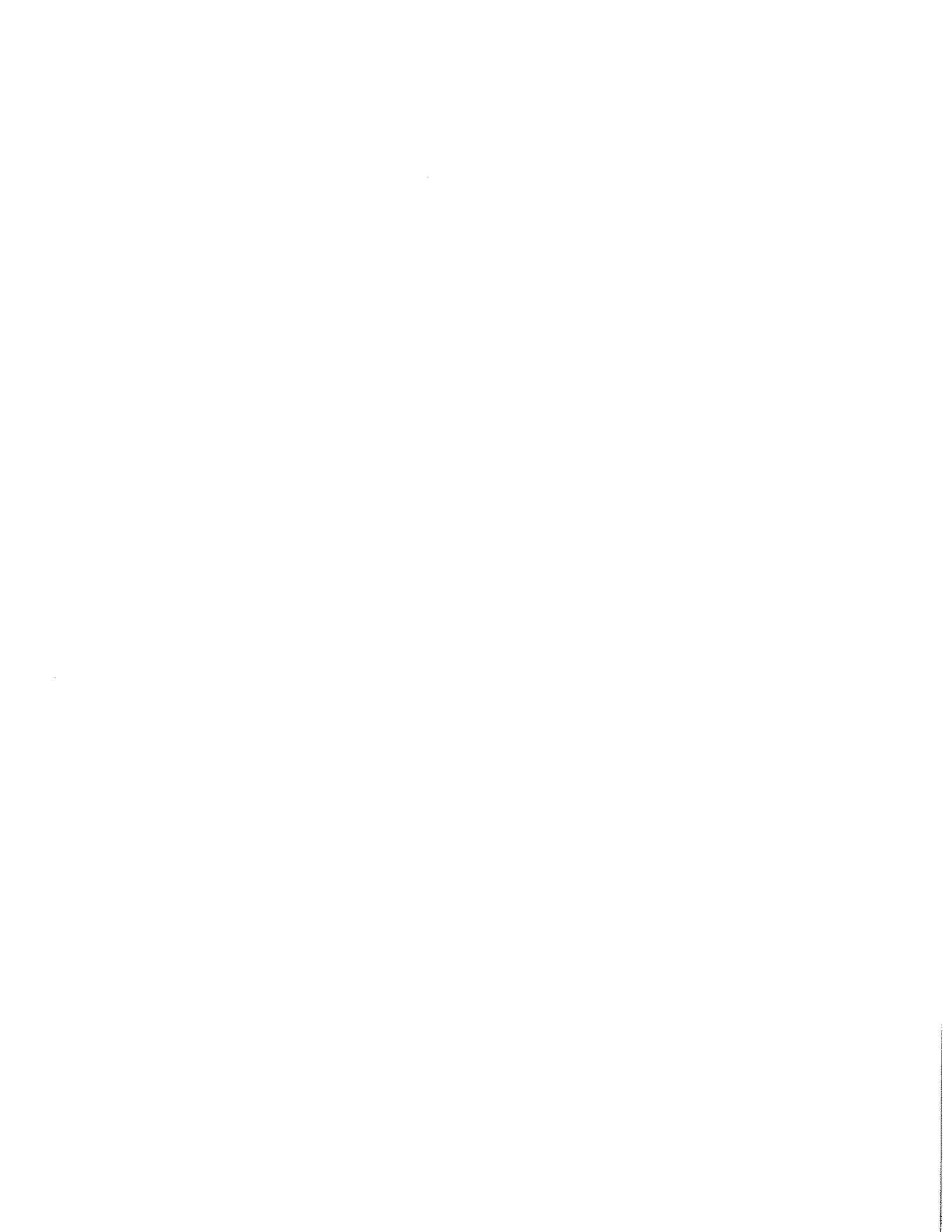
You are receiving this courtesy email at the account dbrown@bedfordcountypa.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Debra Brown

From: Commissioner Dallara
Sent: Thursday, November 15, 2018 1:00 PM
To: rrrose@reenergygroup.com
Subject: Accepted: Invitation: Bedford Co. Jail and Courthouse Solar Groundbreaking Cer... @
Wed Dec 5, 2018 3pm - 4pm (EST) (bdallara@bedfordcountypa.org)



Debra Brown

From: Commissioner Dallara
Sent: Monday, December 3, 2018 1:34 PM
To: Debra Brown
Subject: Accepted: Lunch Meeting with Rodney Rose

Debra Brown

From: Commissioner Dallara
Sent: Monday, December 3, 2018 1:34 PM
To: Debra Brown
Subject: Accepted: Groundbreaking Ceremony - Solar Panels

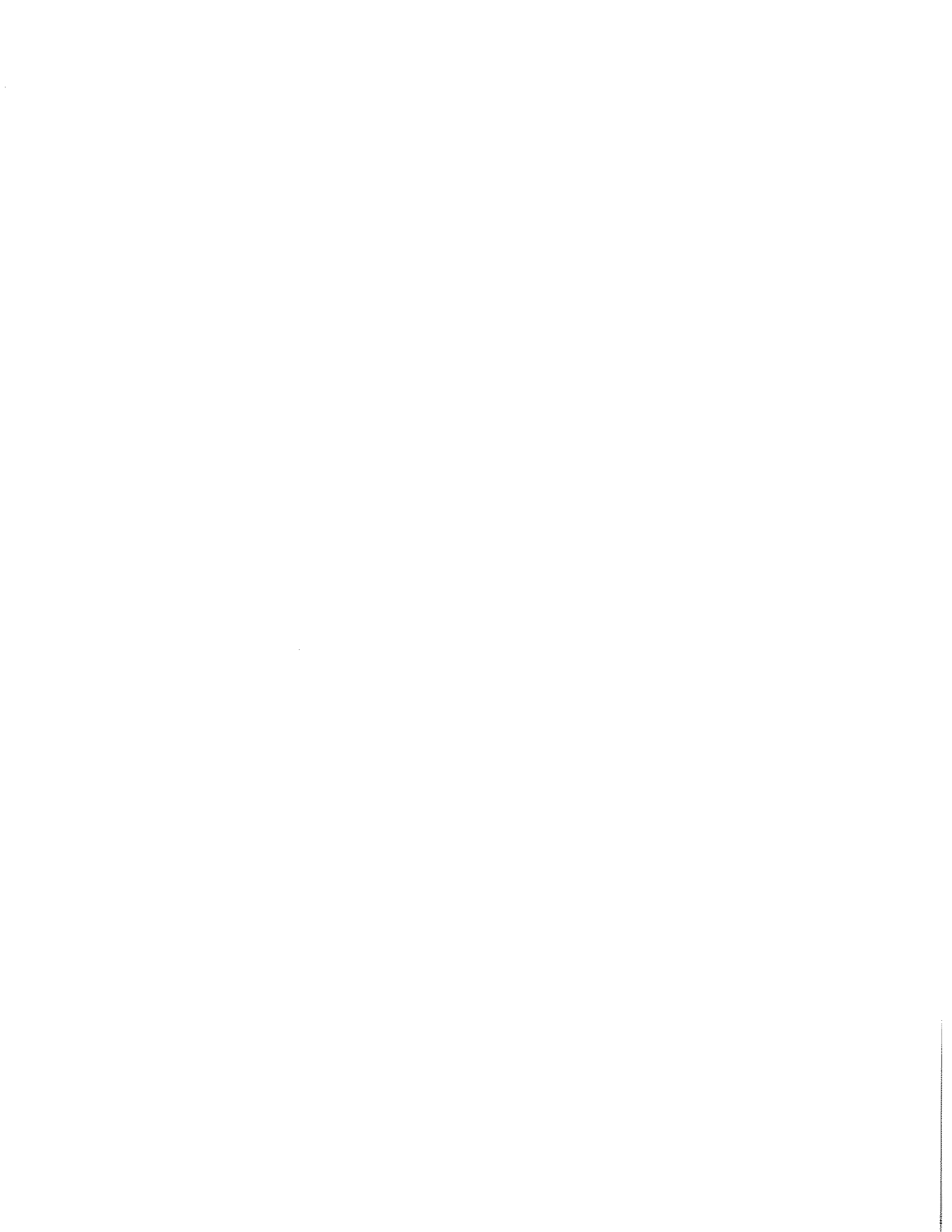


Debra Brown

From: Commissioner Dallara
Sent: Tuesday, December 4, 2018 3:03 PM
To: rrose@reenergygroup.com
Subject: Accepted: Updated invitation: Bedford Co. Jail and Courthouse Solar Groundbreaking Cer... @ Wed Dec 12, 2018 3pm - 4pm (EST) (bdallara@bedfordcountypa.org)

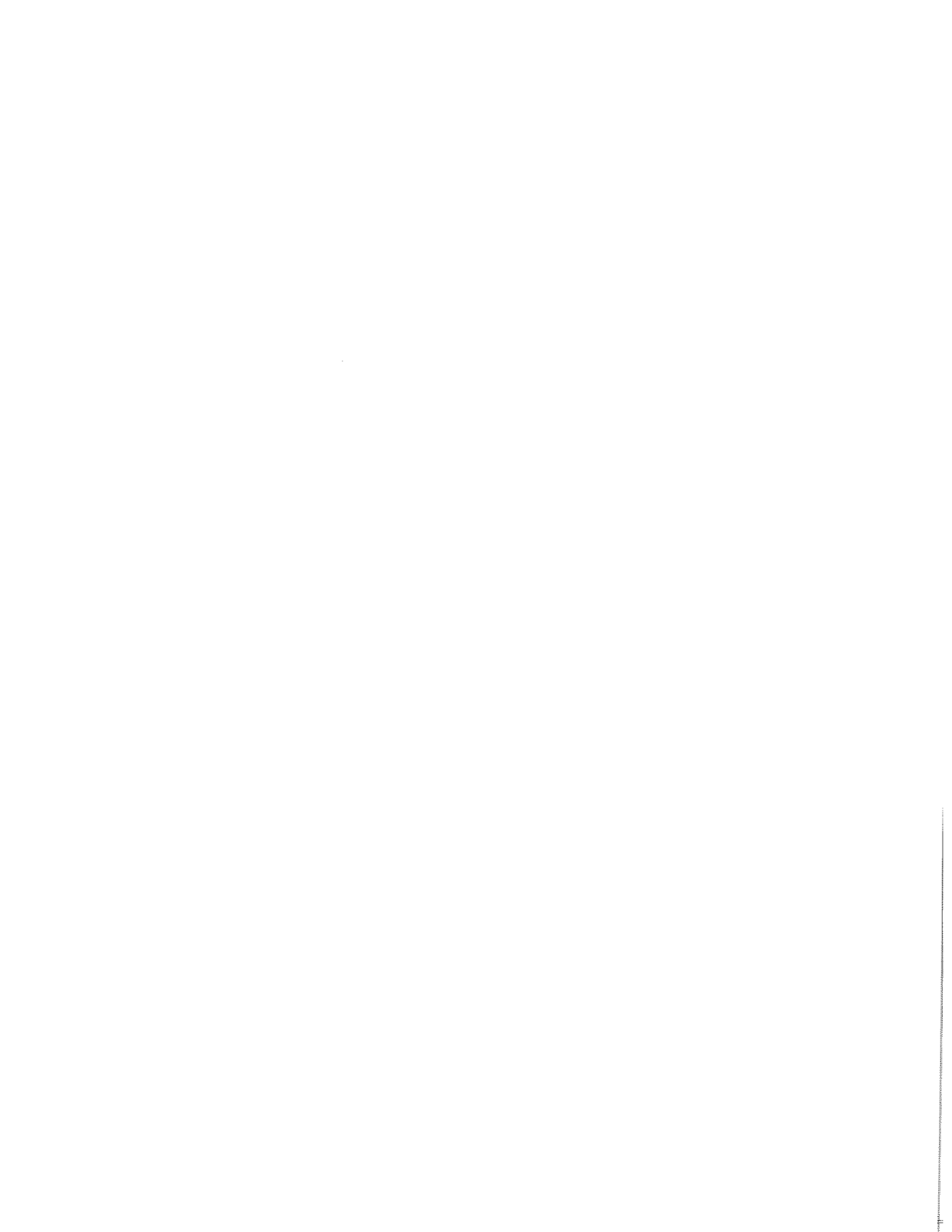
Debra Brown

From: Commissioner Dallara
Sent: Tuesday, December 4, 2018 3:04 PM
To: rrose@reenergygroup.com
Subject: Tentative: Updated invitation: Bedford Co. Jail and Courthouse Solar Groundbreaking Cer... @ Wed Dec 12, 2018 3pm - 4pm (EST) (bdallara@bedfordcountypa.org)



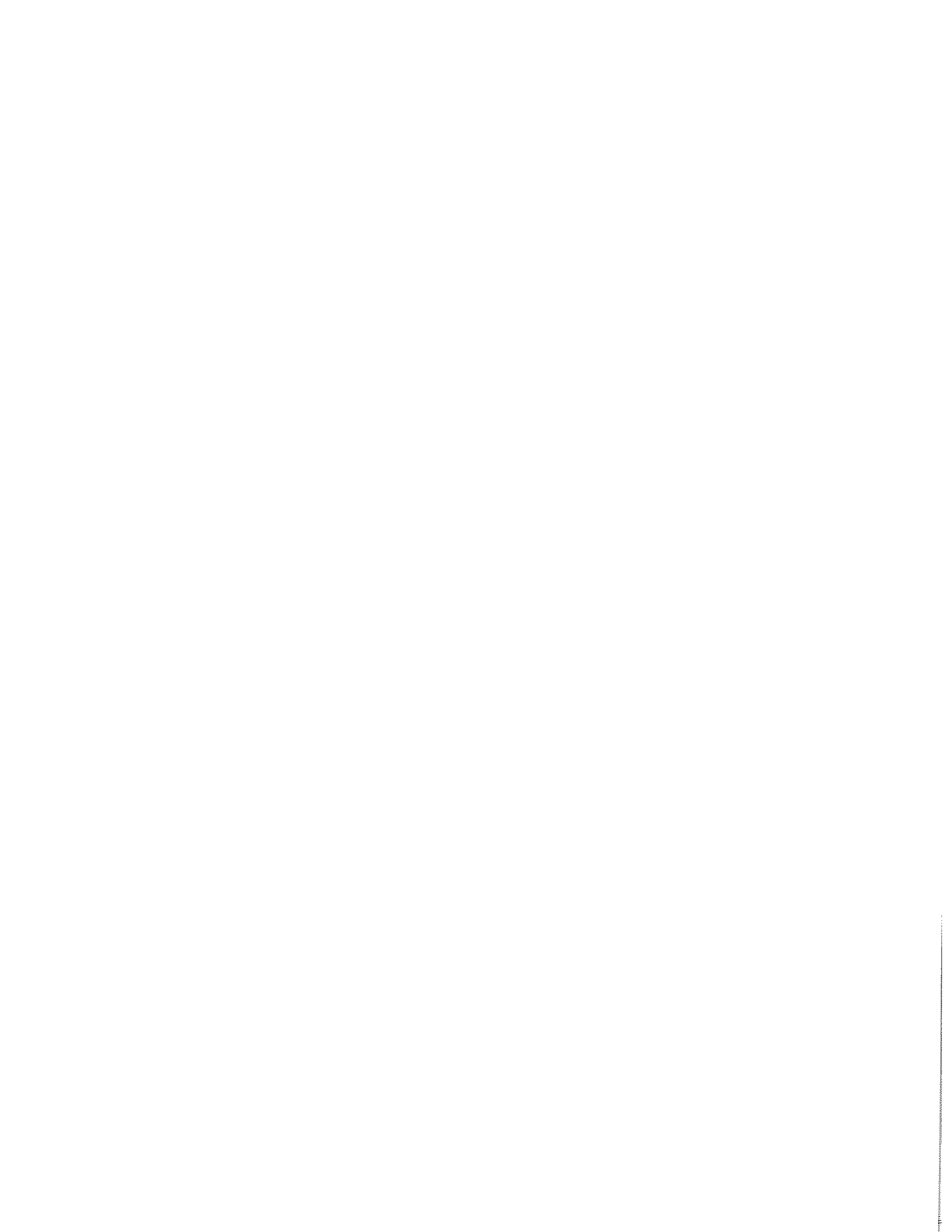
Debra Brown

From: Commissioner Dallara
Sent: Tuesday, December 4, 2018 3:04 PM
To: rrose@reenergygroup.com
Subject: Accepted: Updated invitation: Bedford Co. Jail and Courthouse Solar Groundbreaking Cer... @ Wed Dec 12, 2018 3pm - 4pm (EST) (bdallara@bedfordcountypa.org)



Debra Brown

From: Commissioner Dallara
Sent: Tuesday, December 4, 2018 3:05 PM
To: rrose@reenergygroup.com
Subject: Declined: Updated invitation: Bedford Co. Jail and Courthouse Solar Groundbreaking Cer... @ Wed Dec 12, 2018 3pm - 4pm (EST) (bdallara@bedfordcountypa.org)



Debra Brown

Subject: Meeting with Dean Crabtree
Location: Dean's Office

Start: Thu 12/6/2018 11:00 AM
End: Thu 12/6/2018 11:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Dallara

Debra Brown

Subject: Meeting with Dean Crabtree
Location: Dean's Office

Start: Thu 12/6/2018 11:00 AM
End: Thu 12/6/2018 11:30 AM

Recurrence: (none)

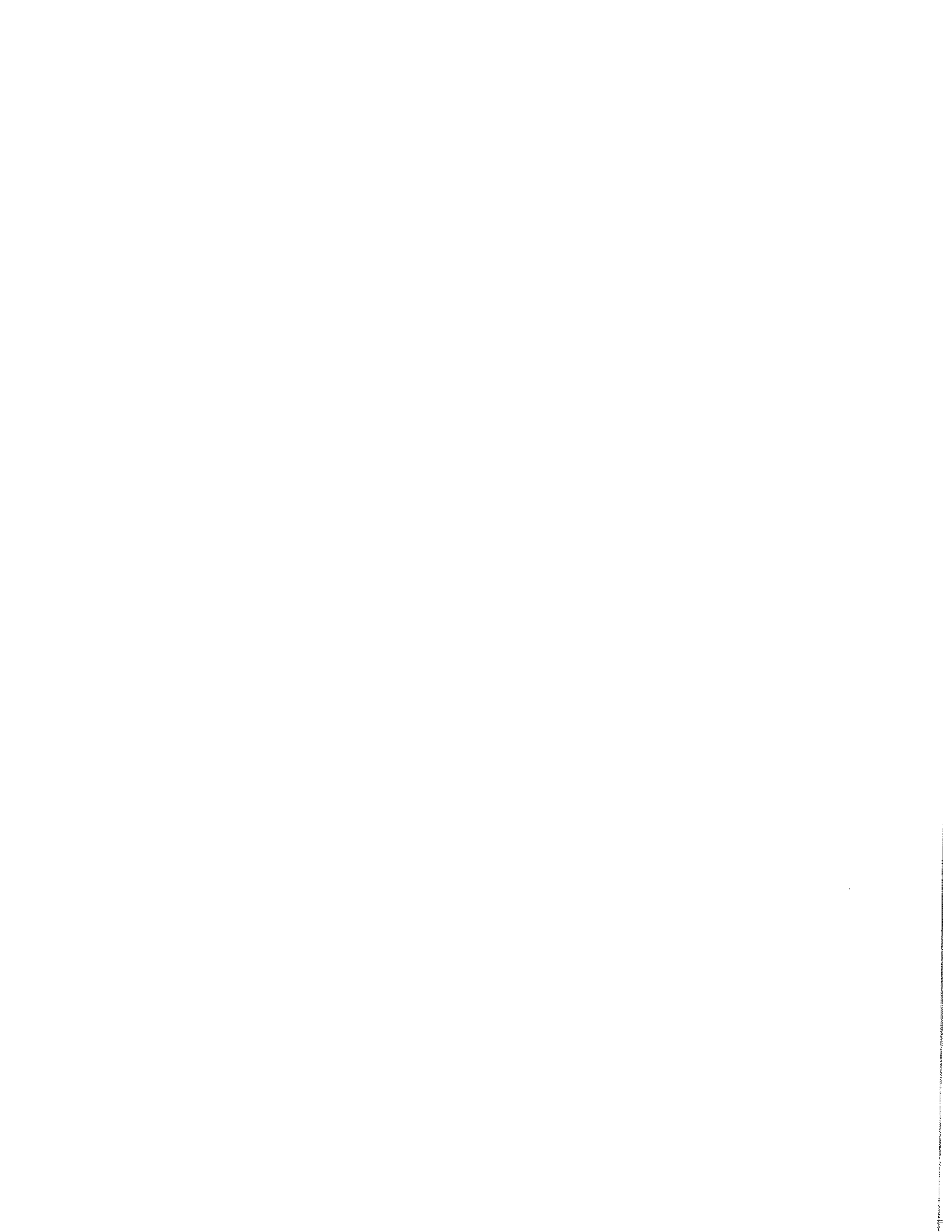
Meeting Status: Accepted

Organizer: Debra Brown
Required Attendees: Commissioner Dallara



Debra Brown

From: Commissioner Dallara
Sent: Wednesday, December 5, 2018 11:16 AM
To: Debra Brown
Subject: Accepted: Meeting with Dean Crabtree



Debra Brown

From: Commissioner Dallara
Sent: Thursday, December 6, 2018 2:19 PM
To: Debra Brown
Subject: Accepted: Lunch Meeting with Rodney Rose



Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, December 13, 2018 3:52 PM
To: Debra Brown; Commissioner Dallara; Commissioner Lang; Commissioner Crooks
Cc: Linda Drei; Jim Kurtz
Subject: Thank You from RER Energy Group

Commissioners and Ms. Brown,

Thank you very much for your efforts and participation in the Groundbreaking Ceremony at the Bedford County Jail on Wednesday. Everyone at RER Energy Group is appreciative of all of your efforts in coordination of the event and remarks during the groundbreaking.

We would like to especially thank Ms. Brown for her efforts coordinating the event with Linda Myers-Drei of RER. We were very impressed with the coordination and participation from State, Local and Community Officials as well as the response from the media for this event. Additionally, a special thank you to Commissioner Lang for agreeing to emcee the event. We all thought you did an excellent job leading the remarks of the speakers and presenting to the media and assembled public.

Again, we are looking forward to working with the County to bring this project to fruition as soon as is possible and are excited to bring the fuel from the sun to the citizens of Bedford County.

Thank you once again for all of your efforts.

Sincerely,

The RER Energy Group Team

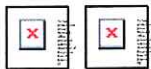
Rodney G. Rose, Esq.

General Counsel and Director of Business Development

4700 Pottsville Pike Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



[Learn More About RER in this Short Video](#)



Named one of the nation's fastest growing private companies for the fourth consecutive year.



Debra Brown

From: Jim Kurtz <jkurtz@rerenergygroup.com>
Sent: Saturday, December 15, 2018 1:30 PM
To: Rodney Rose
Cc: Debra Brown; Commissioner Dallara; Commissioner Lang; Commissioner Crooks; Linda Drei; Christopher Flynn
Subject: Re: Thank You from RER Energy Group

Yes, thank you very much indeed.

Was really a pleasure getting the chance to meet everyone. Thought the day went smoothly and it was just nice to be able to meet in person.

Bedford certainly has a nice feeling of community that comes through with all the people we met on Wed.

Thank you again for the opportunity. We look forward to the continued progress ahead. Always feel free to reach out to me at any time if there are ever any concerns.

Regards, Jim

Jim Kurtz

President

4700 Pottsville Pike, Reading, PA 19605

o: [610-332-7232](tel:610-332-7232) c: [917-304-0762](tel:917-304-0762) f: [888-712-0734](tel:888-712-0734)

jkurtz@rerenergygroup.com | www.rerenergygroup.com



[Learn More About RER in this Short Video](#)



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On Thu, Dec 13, 2018 at 3:52 PM Rodney Rose <rrose@rerenergygroup.com> wrote:
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Thank you once again for all of your efforts.

Sincerely,

The RER Energy Group Team

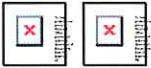
Rodney G. Rose, Esq.

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Debra Brown

From: Michael Clapper
Sent: Thursday, December 20, 2018 2:57 PM
To: rrose@reenergygroup.com
Subject: Invoices
Attachments: SCAN0313.PDF

Hello,

I've attached invoices for the Solar Project at the Bedford county Jail. Please advise if this isn't where they go.

Thank you

Mike Clapper
Administrator for Finance & Support
Bedford County
200 S Juliana Street
814-624-2606



Federal Tax Identification Number : 98-0425935

Project : 11151895 -- BT 2018 SALDO Reviews

Invoice # : 109844

Phase : 10 -- Solar Fields Land Development

Task : 01 -- Bedford County Jail Solar Field LD

Rate Schedule Labor

<u>Class / Employee Name</u>	<u>Date</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Engineer B				
Kevin Hartman	10/22/2018	0.75	92.00	69.00
Reviewed final land development plan. Created comment letter. Discussed with Developer.				
	10/29/2018	0.50	92.00	46.00
Final plan submission coordination between Developer, BCPC, and Bedford Township.				
	11/01/2018	1.00	92.00	92.00
Review of final plans. Created final comment letter. Discussed project with Rick Suder at Bedford County Planning Commission. Email to Brad Allison regarding Developer's Agreement.				
		----- 2.25		----- 207.00
Total : LABOR				207.00
Total Task : 01 -- Bedford County Jail Solar Field LD				207.00
Total Phase : 10 -- Solar Fields Land Development				207.00



Federal Tax Identification Number : 98-0425935

Project : 11151895 -- BT 2018 SALDO Reviews

Invoice # : 108368

Phase : 10 -- Solar Fields Land Development

Task : 01 -- Bedford County Jail Solar Field LD

Rate Schedule Labor

<u>Class / Employee Name</u>	<u>Date</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Engineer B				
Kevin Hartman	10/01/2018	2.50	92.00	230.00
Reviewed 2nd submission and prepared draft comment letter. Discussed with Mike Archer of BL. Email to Mike with outstanding items.				
	10/02/2018	0.25	92.00	23.00
Finalized 2nd submission comment letter.				
	10/03/2018	0.50	92.00	46.00
Reviewed revised 2nd submission. Updated comment letter and distributed.				
	10/16/2018	0.25	92.00	23.00
Project update with Mike Archer of BL.				
		----- 3.50		----- 322.00
Total : LABOR				322.00
Total Task : 01 -- Bedford County Jail Solar Field LD				322.00
Total Phase : 10 -- Solar Fields Land Development				322.00

Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, December 20, 2018 3:02 PM
To: Michael Clapper
Subject: Re: Invoices

Thank You Michael, I will forward them to the appropriate staff members. Happy Hollidays

Rodney G. Rose, Esq.

General Counsel and Director of Business Development

4700 Pottsville Pike Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



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Named one of the nation's fastest growing private companies for the fourth consecutive year.



On Thu, Dec 20, 2018 at 2:57 PM Michael Clapper <mclapper@bedfordcountypa.org> wrote:

Hello,

I've attached invoices for the Solar Project at the Bedford county Jail. Please advise if this

Isn't where they go.

Thank you

Mike Clapper

Administrator for Finance & Support

Bedford County

200 S Juliana Street

814-624-2606

Debra Brown

From: Commissioner Lang
Sent: Friday, December 28, 2018 1:59 PM
Subject: Quarterly Newsletter
Attachments: December 2018 Employee Newsletter.pdf

Good afternoon,

I hope everyone had a wonderful Christmas!

Please see the attached quarterly newsletter.

I hope you have a great weekend and Happy New Year!

Best Wishes,
Josh

Bedford County News



To develop, administer, and promote innovative, high quality and solution-oriented services to Bedford County that meets the needs of its citizens in the most accountable, ethical, economical, caring, and professional manner possible that enriches the health, welfare, quality of life, and safety of those who live and work in Bedford County.

The Crossroads of Heritage and Hospitality



Quarterly Newsletter

In This Issue

- Highlights
- Employee Information
- County Initiatives
- Employee Spotlight

Contact Us

<http://www.bedfordcountypa.org>
commissioners@bedfordcountypa.org
Extension: 2608



Highlights

County Training Opportunities: CCAP has launched several new trainings, which are available for employees free of charge. To log on go to: <https://www.localgovu.com/products/learn/?t=ccap&logout=y>. Your username is your email address and your password is BEDFORDCOUNTY2017. For employees without an email address their user name is 00 followed by their employee number on their ID badge. In addition, for employees without internet access the County has an employee computer in the breakroom to access all of these trainings and to access your UPMC health portal. There are instructions beside the computer.

Regional Comprehensive Plan: Earlier this year the County adopted its Regional Comprehensive plan and has already begun the process of implementing the plan.

Broadband: Sub-committees have formed out of the regional broadband taskforce focused on outreach, funding, mapping, conducting inventory of our current assets and looking at conducting a regional survey.

Workforce Development: The Bedford County Economic Development Association just hired an entrepreneurial coach to work with the community to foster entrepreneurial growth in the community. Additionally, the Economic Development Association will be conducting an economic needs assessment in the near future.



Women's Center: A birthing/women's center committee was recently formed. They are looking at gathering data to help with future funding needs.

Trail and Recreational Amenities: The Old PA Pike was approved by the Commonwealth as an official authority and are currently working towards acquiring funding to implement the updated Master Plan.

Criminal Justice Advisory Board: The District Attorney's Office worked to revamp the Criminal Justice Advisory Board. They have since created sub-committees focused on drugs and alcohol, mental health, and inmate re-entry. Committees will be meeting regularly to develop goals and achieve positive results in these areas. Additionally, an ad-hoc committee was developed that will focus on a day treatment/reporting center as a possible diversionary program to incarceration.

Reimagine Everett: Recently, the County Commissioners forgave the delinquent taxes on the Everett theatre. This building has not been utilized in years. With the support of the Commissioners, Everett Borough, and Everett School District Reimagine Everett will be able to turn this theatre into a community asset once again.



Solar Project Ground Breaking: Recently, the Bedford County Commissioners held their ground breaking ceremony with their partner, RER energy at the correctional facility. The project will help the county save on energy costs for years to come.

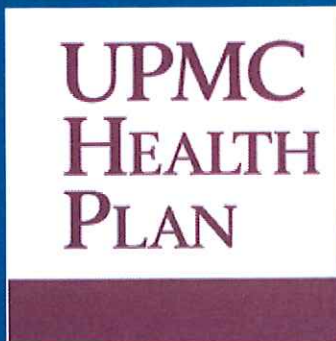
Correctional Facility Healthcare Provider Change: The Hyndman Area Health Center is now providing inmate health care at the correctional facility. The change in providers will help to contain costs and work to improve services for current inmates and those transitioning from the correctional facility.

Employee Information

Don't forget that the County has a resource you can access at any given time called the Employee Assistance Program through Mazzitti and Sullivan. You can access all of the resources by going to:

<https://www.mseap.com/for-employees>

We have also been adding information to the County Employee Portal for the Employee's benefit. [Click here](#) to learn more. We will continue to add useful documents and we encourage you to send us information that you think would be helpful to other employees. Simply [click here](#) to access the employee information portal. If there is anything you would like to see on the portal please let us



know. For employees, without County Intranet access, county department heads may let us know what information their employees would like and we are happy to send it to them. Employees will also be able to access these resources using the employee computer in the employee breakroom.

UPMC also has a lot of helpful information through their portal. You can receive behavioral and wellness information. To access the portal go to:
www.upmchealthplan.com

County Initiatives

IT Committee: The IT Committee is working on developing an IT plan that sets goals and helps the County work towards technology improvements.

Windows 10 Upgrade: The County will begin meeting with county departments in March to begin the Windows 10 upgrade process. If you requested a computer in your budget they were approved; however, you should wait for the County to schedule an initial project management meeting. We will be working with each department one on one to ensure this upgrade goes as smoothly as possible.

Community Needs Assessment: Center for Community Action has been working with a consultant for the past year on a community wide needs assessment. They have conducted focus groups and surveys throughout the community. This tool will provide useful data to county stakeholders. The consultant will be compiling the data and making recommendations to Center for Community Action.

Employee Spotlight


From time to time we believe it is important to recognize County employees who have demonstrated exceptional performance in the completion of their work responsibilities. We encourage County employees to nominate fellow employees, so we can recognize their great work to the County.

Program Rules

In order to be eligible for an award, all employees must be employed at the time the award is given. Winners cannot be nominated again within one year of receiving the award. Those nominated, but not selected may be re-nominated for consideration. All employees have the opportunity to nominate any employee or an entire department of the County. Nominations will be reviewed on a rolling basis.

In an effort to encourage staff to nominate individuals, the





individual that nominates the person to receive the recognition and is named the recipient of the award will receive a \$25 gift card.

Debra Brown

From: Rick Suder
Sent: Thursday, January 3, 2019 10:47 AM
To: Bedford Township Supervisors
Subject: RE: Solar Panel County Application

Thanks Janie. I will put this with our file.

We (county planning) signed our review block on the Final plans. We did no review letter.

Rick

From: Bedford Township Supervisors <bedfordtwp@gmail.com>
Sent: Thursday, January 03, 2019 10:35 AM
To: Rick Suder <Rsuder@bedfordcountypa.org>
Subject: Solar Panel County Application

please see the attached

Janie L. McMillen - Secretary/Treasurer

Bedford Township, P.O. Box 148, Bedford, Pa. 15522
814.623.8296-P 814.623.5695-F
www.bedfordtwppagov.com

Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown; Commissioner Dallara; Commissioner Lang; Commissioner Crooks; Michael Clapper
Subject: County Credit Letter to Bedford Township
Attachments: letterofcreditcountyofbedford.docx

Debra, Michael, and Commissioners,

We were contacted by the Township Solicitor, Mr. Allison, today requesting the attached letter of Standby Credit from the County on Bank Letterhead. He has provided the attached form to provide to your bank for completion.

We have already provided our letter of credit as the design build firm, but as the project is on county property, he is requesting the standby credit letter. As you will recall, our credit letter and submissions were satisfactory for the DCED and the CFA Program, which we also thought would suffice for the Township. However, Mr. Allison would feel more comfortable with the Standby Letter from the County's Bank as the project is located on County property.

The Township's meeting for final permitting approval will take place at 4pm on Tuesday, January 22, 2019. If we could have this back by then, it would mean that all final permits from the Township could be approved and signed at the meeting. I know that this is a difficult ask, as the banks are closed on Monday for the King Holiday Observance, but we just received this back to our office this afternoon and I was unaware that this would be an additional requirement.

Please review and return this to us as soon as possible and let me know if you have any questions or concerns.

Mr. Clapper, Com. Dallara had me cc you on this email as he believes that you may already have open lines at several banks which could quickly resolve this requirement.

Again, thanks for your help in this matter and keeping the project moving forward toward completion.

Sincerely,

Rodney G. Rose, Esq.

General Counsel and Director of Business Development

4700 Pottsville Pike Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



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(BANK Letterhead)

IRREVOCABLE STANDBY LETTER OF CREDIT # _____

BENEFICIARY
Bedford Township
1007 Shed Road
P.O. Box 148
Bedford, PA 15522

DATE: January __, 2019

Re: County of Bedford (Required Financial Security in connection with Final Land Development Plan for Final Land Development Plan Bedford County Jail Solar Panel submitted to Bedford Township Supervisors, Bedford County, Pennsylvania)

To Whom It May Concern:

We hereby establish, at the request and for the account of COUNTY OF BEDFORD our Irrevocable Standby Letter of Credit No. ___ in the amount of EIGHTEEN THOUSAND EIGHT HUNDRED NINETY-EIGHT (\$18,898.00) DOLLARS AND NO CENTS available by your drafts at sight.

This Letter of Credit is effective January __, 2019. Said funds are available by presentation of your sight draft, which clearly specifies the number of this Letter of Credit accompany by the actual Letter. The draft drawn under this Letter of Credit must bear the clause "Drawn under Irrevocable Letter of Credit # ___, dated January __, 2019 , of _____ BANK."

This Standby Letter of Credit shall remain in effect for a period of one (1) year, with an initial expiration date of January __, 2020. This Standby Letter of Credit is automatically extended without written amendment annually for one (1) year from the expiration date or any automatically extended expiration date provided herein, unless at least sixty (60) days prior to such expiration date _____ BANK notifies Bedford Township by overnight courier that _____ BANK elects not to consider this Standby Letter of Credit extended for any such additional period. Upon receipt of such notice, Bedford Township may draw against this Standby Letter of Credit prior to expiration, in the manner described herein, if the requirement improvements or repairs are incomplete.

Unless otherwise stated, this credit is subject to the Uniform Customs and Practices for Documentary Credits (1994 Revision), International Chamber of Commerce Publication No. 500.

Very truly yours,

Executive (Vice) President

Debra Brown

From: Michael Clapper
Sent: Thursday, January 17, 2019 3:12 PM
To: Macionsky, Michael
Subject: FW: County Credit Letter to Bedford Township
Attachments: letterofcreditcountyofbedford.docx

Hi Mike,

Would FNB be willing to do the Standby Credit letter attached for the County. This would be for the SolarPanel Project out at the Jail. We need to know ASAP since the meeting is on Tuesday.

Thank you

Mike Clapper
Administrator for Finance & Support
Bedford County
200 S Juliana Street
814-624-2606

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>
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(BANK Letterhead)

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BENEFICIARY

Bedford Township
1007 Shed Road
P.O. Box 148
Bedford, PA 15522

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Very truly yours,

Executive (Vice) President

Debra Brown

From: Michael Clapper
Sent: Thursday, January 17, 2019 3:48 PM
To: Koontz & Crabtree law office
Cc: Commissioners
Subject: FW: County Credit Letter to Bedford Township
Attachments: letterofcreditcountyofbedford.docx

Hi Dean,

Is the County allowed to obtain this standby credit being requested?. I remember back In 2017 we were thinking about borrowing money to help fund the Health Savings Account and there were Numerous restrictions involved. I did contact FNB and they will supply the letter but it Has to be followed by a formal line of credit.

Thank you
Mike Clapper
Administrator for Finance & Support
Bedford County
200 S Juliana Street
814-624-2606

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>
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Rodney G. Rose, Esq.

General Counsel and Director of Business Development

4700 Pottsville Pike Reading, PA 19605

o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)

rose@rerenergygroup.com | www.rerenergygroup.com



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(BANK Letterhead)

IRREVOCABLE STANDBY LETTER OF CREDIT # _____

BENEFICIARY

Bedford Township
1007 Shed Road
P.O. Box 148
Bedford, PA 15522

DATE: January __, 2019

Re: County of Bedford (Required Financial Security in connection with Final Land Development Plan for Final Land Development Plan Bedford County Jail Solar Panel submitted to Bedford Township Supervisors, Bedford County, Pennsylvania)

To Whom It May Concern:

We hereby establish, at the request and for the account of COUNTY OF BEDFORD our Irrevocable Standby Letter of Credit No. ___ in the amount of EIGHTEEN THOUSAND EIGHT HUNDRED NINETY-EIGHT (\$18,898.00) DOLLARS AND NO CENTS available by your drafts at sight.

This Letter of Credit is effective January __, 2019. Said funds are available by presentation of your sight draft, which clearly specifies the number of this Letter of Credit accompany by the actual Letter. The draft drawn under this Letter of Credit must bear the clause "Drawn under Irrevocable Letter of Credit # __, dated January __, 2019 , of _____ BANK."

This Standby Letter of Credit shall remain in effect for a period of one (1) year, with an initial expiration date of January __, 2020. This Standby Letter of Credit is automatically extended without written amendment annually for one (1) year from the expiration date or any automatically extended expiration date provided herein, unless at least sixty (60) days prior to such expiration date _____ BANK notifies Bedford Township by overnight courier that _____ BANK elects not to consider this Standby Letter of Credit extended for any such additional period. Upon receipt of such notice, Bedford Township may draw against this Standby Letter of Credit prior to expiration, in the manner described herein, if the requirement improvements or repairs are incomplete.

Unless otherwise stated, this credit is subject to the Uniform Customs and Practices for Documentary Credits (1994 Revision), International Chamber of Commerce Publication No. 500.

Very truly yours,

Executive (Vice) President

Debra Brown

From: Commissioner Dallara
Sent: Thursday, January 17, 2019 6:48 PM
To: Michael Clapper
Subject: Re: County Credit Letter to Bedford Township

Mike Dean is out till Tuesday the 22nd

Sent from my iPhone

On Jan 17, 2019, at 3:48 PM, Michael Clapper <mclapper@bedfordcountypa.org> wrote:

Hi Dean,

Is the County allowed to obtain this standby credit being requested?. I remember back In 2017 we were thinking about borrowing money to help fund the Health Savings Account and there were

Numerous restrictions involved. I did contact FNB and they will supply the letter but it Has to be followed by a formal line of credit.

Thank you
Mike Clapper
Administrator for Finance & Support
Bedford County
200 S Juliana Street
814-624-2606

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <ilang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>
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Please review and return this to us as soon as possible and let me know if you have any questions or concerns.

Mr. Clapper, Com. Dallara had me cc you on this email as he believes that you may already have open lines at several banks which could quickly resolve this requirement.

Again, thanks for your help in this matter and keeping the project moving forward toward completion.

Sincerely,

Rodney G. Rose, Esq.

General Counsel and Director of Business Development
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o: 610-332-7232 c: 301-992-3007 f: 888-712-0734
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<letterofcreditcountyofbedford.docx>

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1007 Shed Road
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Executive (Vice) President

Debra Brown

From: Michael Clapper
Sent: Friday, January 18, 2019 8:24 AM
To: Commissioner Dallara
Subject: RE: County Credit Letter to Bedford Township

I'm thinking all the County should have to do is have money set aside in a separate Bank account restricted solely for that purpose. I'll try to confirm.

From: Commissioner Dallara
Sent: Thursday, January 17, 2019 6:48 PM
To: Michael Clapper <mclapper@bedfordcountypa.org>
Subject: Re: County Credit Letter to Bedford Township

Mike Dean is out till Tuesday the 22nd

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Sent: Thursday, January 17, 2019 2:38 PM
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<letterofcreditcountyofbedford.docx>

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Attachments: letterofcreditcountyofbedford.docx

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From: Michael Clapper
Sent: Thursday, January 17, 2019 3:12 PM
To: 'Macionsky, Michael' <MacionskyM@fnb-corp.com>
Subject: FW: County Credit Letter to Bedford Township

Hi Mike,

Would FNB be willing to do the Standby Credit letter attached for the County. This would be for the SolarPanel Project out at the Jail. We need to know ASAP since the meeting is on Tuesday.
Thank you

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Very truly yours,

Executive (Vice) President

Debra Brown

From: Michael Clapper
Sent: Friday, January 18, 2019 8:30 AM
To: Commissioner Dallara
Subject: RE: County Credit Letter to Bedford Township

My understanding of this project was that the County had zero financial involvement. This appears to be a 18,xxx obligation if something goes wrong. Would you clarify so I can explain it to the banks or should I contact Rodney Rose.

From: Commissioner Dallara
Sent: Thursday, January 17, 2019 6:48 PM
To: Michael Clapper <mclapper@bedfordcountypa.org>
Subject: Re: County Credit Letter to Bedford Township

Mike Dean is out till Tuesday the 22nd

Sent from my iPhone

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Bedford County
200 S Juliana Street
814-624-2606

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <ilang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>
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<letterofcreditcountyofbedford.docx>

Debra Brown

From: Michael Clapper
Sent: Friday, January 18, 2019 8:38 AM
To: James R. Gonsman, Jr.
Subject: FW: County Credit Letter to Bedford Township
Attachments: letterofcreditcountyofbedford.docx

Hi Jim,

Are you familiar with this request. Looks like they want the County to designate funds in case of A default or perhaps a liability issue. I'm asking if your bank would be willing to write the letter And what we would do on our end. Looks like need to designate an account for 18,xxx. I'd appreciate any Input.

Thanks

Mike

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>
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Executive (Vice) President

Debra Brown

From: Michael Clapper
Sent: Friday, January 18, 2019 8:43 AM
To: Worthing, Dave
Subject: FW: County Credit Letter to Bedford Township
Attachments: letterofcreditcountyofbedford.docx

Good morning,

The Township Solicitor for Bedford township is requesting the below. Would you offer Me some guidance on this? I remember it is hard for the County to borrow money but, to me It would seem that if the County sets up a designated account with the specified amount in said account, To be only fothat purpose, it should suffice.

Thank you for any assistance.

Mike Clapper
Administrator for Finance & Support
Bedford County
200 S Juliana Street
814-624-2606

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From: Michael Clapper
Sent: Friday, January 18, 2019 11:02 AM
To: Macionsky, Michael
Cc: Commissioner Crooks; Commissioner Dallara; Commissioner Lang
Subject: FW: County Credit Letter to Bedford Township
Attachments: letterofcreditcountyofbedford.docx

To clarify this letter, they are asking the Bank to attest that the County has money Available for this project if it is needed. A line of credit does NOT have to be set up. The County can open a new account, if the bank requires, designating those funds for a year. It is for 18,XXX or so. Otherwise, you could look at our account balance and see the County always has more than that in it. Thank you
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(BANK Letterhead)

IRREVOCABLE STANDBY LETTER OF CREDIT # _____

BENEFICIARY
Bedford Township
1007 Shed Road
P.O. Box 148
Bedford, PA 15522

DATE: January __, 2019

Re: County of Bedford (Required Financial Security in connection with Final Land Development Plan for Final Land Development Plan Bedford County Jail Solar Panel submitted to Bedford Township Supervisors, Bedford County, Pennsylvania)

To Whom It May Concern:

We hereby establish, at the request and for the account of COUNTY OF BEDFORD our Irrevocable Standby Letter of Credit No. ___ in the amount of EIGHTEEN THOUSAND EIGHT HUNDRED NINETY-EIGHT (\$18,898.00) DOLLARS AND NO CENTS available by your drafts at sight.

This Letter of Credit is effective January __, 2019. Said funds are available by presentation of your sight draft, which clearly specifies the number of this Letter of Credit accompany by the actual Letter. The draft drawn under this Letter of Credit must bear the clause "Drawn under Irrevocable Letter of Credit # ___, dated January __, 2019 , of _____ BANK."

This Standby Letter of Credit shall remain in effect for a period of one (1) year, with an initial expiration date of January __, 2020. This Standby Letter of Credit is automatically extended without written amendment annually for one (1) year from the expiration date or any automatically extended expiration date provided herein, unless at least sixty (60) days prior to such expiration date _____ BANK notifies Bedford Township by overnight courier that _____ BANK elects not to consider this Standby Letter of Credit extended for any such additional period. Upon receipt of such notice, Bedford Township may draw against this Standby Letter of Credit prior to expiration, in the manner described herein, if the requirement improvements or repairs are incomplete.

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Very truly yours,

Executive (Vice) President

Debra Brown

From: Worthing, Dave <dworthing@mtb.com>
Sent: Friday, January 18, 2019 12:09 PM
To: Michael Clapper
Cc: Davis, Thomas
Subject: RE: County Credit Letter to Bedford Township

Hi Mike,
Are you available for a quick conference call this afternoon. If so, please let me know what time works best.

I have several ideas to help you navigate through this request.
Dave

David A. Worthing
Administrative Vice President | M&T Bank
Government Banking | Group Manager
301 W. Plank Road
Altoona, PA 16602
(814) 946-6734 | (C) (814) 931-5751
dworthing@mtb.com | mtb.com

From: Michael Clapper [mailto:mclapper@bedfordcountypa.org]
Sent: Friday, January 18, 2019 8:43 AM
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Subject: FW: County Credit Letter to Bedford Township

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Administrator for Finance & Support
Bedford County
200 S Juliana Street
814-624-2606

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>
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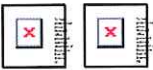
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From: Michael Clapper
Sent: Friday, January 18, 2019 12:29 PM
To: Chris Gabriel
Subject: FW: County Credit Letter to Bedford Township
Attachments: letterofcreditcountyofbedford.docx

Hi Chris,

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Thank you

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To: Michael Clapper
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Mike,
How about right after 3:30?
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David A. Worthing
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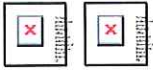
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From: Michael Clapper
Sent: Friday, January 18, 2019 2:08 PM
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Subject: RE: County Credit Letter to Bedford Township

Yes, that works
Mike

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Debra Brown

From: Chris Gabriel <cgabriel@cfwws.com>
Sent: Friday, January 18, 2019 3:49 PM
To: Michael Clapper
Cc: Commissioner Dallara
Subject: RE: County Credit Letter to Bedford Township

Mike:

This seems acceptable. I am not familiar with what the circumstances are that would cause anyone to draw upon this line of credit, but I understand that this has to do with completion of the solar panel project. As long as the Commissioners understand that, in the event it is needed, the County could potentially be on the hook to pay back amounts drawn from this line of credit (up to the total amount), then it seems okay to me.

Christopher P. Gabriel, Esq.

Cafardi Ferguson Wyrick Weis + Stotler, llc.

2605 Nicholson Road, Suite 2201
Sewickley, PA 15143
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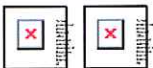
Rodney G. Rose, Esq.

General Counsel and Director of Business Development

4700 Pottsville Pike Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



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Debra Brown

From: Michael Clapper
Sent: Friday, January 18, 2019 4:15 PM
To: Chris Gabriel
Subject: RE: County Credit Letter to Bedford Township

Thank you Chris

From: Chris Gabriel <cgabriel@cfwws.com>
Sent: Friday, January 18, 2019 3:49 PM
To: Michael Clapper <mclapper@bedfordcountypa.org>
Cc: Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: RE: County Credit Letter to Bedford Township

Mike:

This seems acceptable. I am not familiar with what the circumstances are that would cause anyone to draw upon this line of credit, but I understand that this has to do with completion of the solar panel project. As long as the Commissioners understand that, in the event it is needed, the County could potentially be on the hook to pay back amounts drawn from this line of credit (up to the total amount), then it seems okay to me.

Christopher P. Gabriel, Esq.

Cafardi Ferguson Wyrick Weis + Stotler, Ilc.

2605 Nicholson Road, Suite 2201

Sewickley, PA 15143

Tel: (412) 328 5853

Fax: (412) 515-8901

cgabriel@cfwws.com

www.cfwws.com

From: Michael Clapper <mclapper@bedfordcountypa.org>
Sent: Friday, January 18, 2019 12:29 PM
To: Chris Gabriel <cgabriel@cfwws.com>
Subject: FW: County Credit Letter to Bedford Township

Hi Chris,

Do you know if the County is allowed to do this standby letter of credit?

Thank you

Mike Clapper

Administrator for Finance & Support

Bedford County

200 S Juliana Street

814-624-2606

From: Rodney Rose <rrose@rerenergygroup.com>

Sent: Thursday, January 17, 2019 2:38 PM

To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>;

Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>

Subject: County Credit Letter to Bedford Township

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Please review and return this to us as soon as possible and let me know if you have any questions or concerns.

Mr. Clapper, Com. Dallara had me cc you on this email as he believes that you may already have open lines at several banks which could quickly resolve this requirement.

Again, thanks for your help in this matter and keeping the project moving forward toward completion.

Sincerely,

Rodney G. Rose, Esq.

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Debra Brown

From: James R. Gonsman, Jr. <jgonsman@hometownbankpa.com>
Sent: Tuesday, January 22, 2019 8:23 AM
To: Michael Clapper
Subject: RE: County Credit Letter to Bedford Township

Hi Mike,

Let me do some investigating. Did you get the TAN closed?

James R. Gonsman | Senior Vice President
Senior Banking Relationship Officer
Hometown Bank of Pennsylvania
638 E Pitt St.
Bedford, PA 15522
jgonsman@hometownbankpa.com
814.624.1012 (direct phone)
814.624.1013 (direct fax)
814.285.1046 (mobile)

From: Michael Clapper <mclapper@bedfordcountypa.org>
Sent: Friday, January 18, 2019 8:38 AM
To: James R. Gonsman, Jr. <jgonsman@hometownbankpa.com>
Subject: FW: County Credit Letter to Bedford Township

Hi Jim,

Are you familiar with this request. Looks like they want the County to designate funds in case of A default or perhaps a liability issue. I'm asking if your bank would be willing to write the letter And what we would do on our end. Looks like need to designate an account for 18,xxx. I'd appreciate any Input.
Thanks
Mike

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>
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Sincerely,

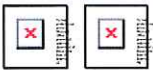
Rodney G. Rose, Esq.

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Debra Brown

From: Michael Clapper
Sent: Tuesday, January 22, 2019 9:58 AM
To: James R. Gonsman, Jr.
Subject: RE: County Credit Letter to Bedford Township

Nevermind. We did get the TAN closed. The letter of credit was a last minute thing That FNB accommodated. I keep you in mind. Thanks for getting back to me.

Mike

From: James R. Gonsman, Jr. <jgonsman@hometownbankpa.com>
Sent: Tuesday, January 22, 2019 8:23 AM
To: Michael Clapper <mclapper@bedfordcountypa.org>
Subject: RE: County Credit Letter to Bedford Township

Hi Mike,

Let me do some investigating. Did you get the TAN closed?

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Senior Banking Relationship Officer
Hometown Bank of Pennsylvania
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jgonsman@hometownbankpa.com
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Sent: Thursday, January 17, 2019 2:38 PM
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Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>

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Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, January 22, 2019 10:43 AM
To: Debra Brown; Commissioner Dallara; Commissioner Lang; Commissioner Crooks; Michael Clapper
Subject: Re: County Credit Letter to Bedford Township

Michael, Debra and Commissioners,

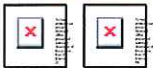
Were you able to get the attached Letter of Standby Credit for the Township for the solar project. I believe they meet tonight and we are hoping to have this signed to them prior to the meeting.

Thank you and let me know if you have any questions.

Sincerely,

Rodney G. Rose, Esq.

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o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)
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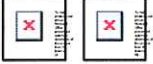
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Debra Brown

From: Michael Clapper
Sent: Tuesday, January 22, 2019 11:35 AM
To: Rodney Rose
Subject: RE: County Credit Letter to Bedford Township

Yes, It was in Commissioner Dallara's bin as of late Friday afternoon.
Mike

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, January 22, 2019 10:43 AM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>;
Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael
Clapper <mclapper@bedfordcountypa.org>
Subject: Re: County Credit Letter to Bedford Township

Michael, Debra and Commissioners,

Were you able to get the attached Letter of Standby Credit for the Township for the solar project. I believe they meet tonight and we are hoping to have this signed to them prior to the meeting.

Thank you and let me know if you have any questions.

Sincerely,

Rodney G. Rose, Esq.

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Debra Brown

From: Michael Clapper
Sent: Tuesday, January 22, 2019 11:59 AM
To: Rodney Rose
Subject: FW: County Credit Letter to Bedford Township
Attachments: letterofcreditcountyofbedford.docx

From: Michael Clapper
Sent: Friday, January 18, 2019 8:27 AM
To: 'Macionsky, Michael' <MacionskyM@fnb-corp.com>
Subject: FW: County Credit Letter to Bedford Township

Mike,

It looks like to me that the County would only need an account showing the funds available for the project, if needed.. ie a designated account.

From: Michael Clapper
Sent: Thursday, January 17, 2019 3:12 PM
To: 'Macionsky, Michael' <MacionskyM@fnb-corp.com>
Subject: FW: County Credit Letter to Bedford Township

Hi Mike,

Would FNB be willing to do the Standby Credit letter attached for the County. This would be for the SolarPanel Project out at the Jail. We need to know ASAP since the meeting is on Tuesday.

Thank you

Mike Clapper
Administrator for Finance & Support
Bedford County
200 S Juliana Street
814-624-2606

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <lang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>
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(BANK Letterhead)

IRREVOCABLE STANDBY LETTER OF CREDIT # _____

BENEFICIARY
Bedford Township
1007 Shed Road
P.O. Box 148
Bedford, PA 15522

DATE: January __, 2019

Re: County of Bedford (Required Financial Security in connection with Final Land Development Plan for Final Land Development Plan Bedford County Jail Solar Panel submitted to Bedford Township Supervisors, Bedford County, Pennsylvania)

To Whom It May Concern:

We hereby establish, at the request and for the account of COUNTY OF BEDFORD our Irrevocable Standby Letter of Credit No. ___ in the amount of EIGHTEEN THOUSAND EIGHT HUNDRED NINETY-EIGHT (\$18,898.00) DOLLARS AND NO CENTS available by your drafts at sight.

This Letter of Credit is effective January __, 2019. Said funds are available by presentation of your sight draft, which clearly specifies the number of this Letter of Credit accompany by the actual Letter. The draft drawn under this Letter of Credit must bear the clause "Drawn under Irrevocable Letter of Credit # ___, dated January __, 2019 , of _____ BANK."

This Standby Letter of Credit shall remain in effect for a period of one (1) year, with an initial expiration date of January __, 2020. This Standby Letter of Credit is automatically extended without written amendment annually for one (1) year from the expiration date or any automatically extended expiration date provided herein, unless at least sixty (60) days prior to such expiration date _____ BANK notifies Bedford Township by overnight courier that _____ BANK elects not to consider this Standby Letter of Credit extended for any such additional period. Upon receipt of such notice, Bedford Township may draw against this Standby Letter of Credit prior to expiration, in the manner described herein, if the requirement improvements or repairs are incomplete.

Unless otherwise stated, this credit is subject to the Uniform Customs and Practices for Documentary Credits (1994 Revision), International Chamber of Commerce Publication No. 500.

Very truly yours,

Executive (Vice) President

Debra Brown

From: Michael Clapper
Sent: Tuesday, January 22, 2019 12:41 PM
To: Rodney Rose
Subject: Did you receive the letter?

Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, January 22, 2019 1:39 PM
To: Michael Clapper
Subject: Re: Did you receive the letter?

No sir,

I did not received a signed letter. Please Resend if possible

Rodney G. Rose, Esq.

General Counsel and Director of Business Development
4700 Pottsville Pike Reading, PA 19605
o: 610-332-7232 c: 301-992-3007 f: 888-712-0734
rrose@rerenergygroup.com | www.rerenergygroup.com



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On Tue, Jan 22, 2019 at 12:41 PM Michael Clapper <mclapper@bedfordcountypa.org> wrote:

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Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, January 22, 2019 1:54 PM
To: Debra Brown; Commissioner Dallara; Commissioner Lang; Commissioner Crooks; Michael Clapper
Subject: Development Agreement with the Township
Attachments: developers agreement bedford jail solar plan 012219.docx

The Township wants a signed Development Agreement stating the the County Project (Solar at the Jail) will comply with Township Permits and Standards. If one of the Commissioners could sign and return this or if this, or if Deb could stamp this with a signature and return it to me for the meeting Tonight we would appreciate i. Again, Township Solicitor just returned this to us this afternoon so I apologize for the short turn around.

Thanks

Rodney G. Rose, Esq.

General Counsel and Director of Business Development
4700 Pottsville Pike Reading, PA 19605
o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)
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DEVELOPER'S AGREEMENT

THIS AGREEMENT, made and executed in duplicate this 22nd day of January, 2019 by and among THE TOWNSHIP OF BEDFORD, a Pennsylvania Municipality, with principal office located at 1007 Shed Road, Bedford, PA 15522 (hereinafter "Township") and COUNTY OF BEDFORD, a political subdivision with current address being 200 South Juliana Street, Bedford, PA 15522 (hereinafter "Developer").

WITNESSETH:

WHEREAS, Developer owns a certain tract of land identified as Bedford County Tax Map Parcel Number E-09-0.00-012-A and recorded in the Office of the Recorder of Deeds in Deed Book Volume 549, Page 651; and

WHEREAS, Developer has presented a land development plan(s) for a portion of such tract, known as Final Land Development Plan Bedford County Jail Solar Field, dated October 18, 2018, revised October 29, 2018 prepared by BL Companies (hereinafter "the Plan") for approval in accordance with applicable Township Ordinances and Regulations; and

WHEREAS, the Township wishes to approve said plan(s) subject to the following conditions.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and assurances contained herein, the parties hereto, intending to be legally bound hereby, agree as follows:

1. Incorporation of Recitals. The above recitals are hereby incorporated herein by this reference.

2. Approval of Plans. In accordance with Section 407.1 of the Subdivision and Land Development Ordinance of the Township (hereinafter "SALDO"), the Township shall approve Developer's Plan as it appears in the plans and specifications prepared by BL Companies. (hereinafter "the Plan") upon: 1) being furnished satisfactory performance and/or improvement bonds or project security in accordance with Paragraph 3E of this agreement and Section 406.1 of the Ordinance, or 2) upon completing the improvements called for on the Plans in a manner acceptable to the Township. Developer shall file a copy of the approved Plans for said Development in the office of the Recorder of Deeds in and for Bedford County, Pennsylvania, and present a certificate of recording to the Township within thirty (30) days of the date of such recording. The Township may grant conditional approval of the Final Plan for the Development when requested by the Developer by Resolution indicating approval of the final plat contingent upon the Developer obtaining satisfactory financial security and providing evidence to the Township of such security within ninety (90) days of the date of the Resolution and granting of conditional approval unless a written extension is granted by the Township to Developer upon request by Developer. Such request has been made by Developer here, with 110% of the estimated cost of improvements or common amenities requiring completion, being \$18,898.00. Developer shall, concurrently with entry of this Agreement, provide proof of financial security to the Township in the form of a performance bond or other form of financial security acceptable to the Township.

3. Soil Erosion and Sedimentation Control Plan and NPDES Permit. Developer agrees that as a condition of the Township's approval of the Plan, Developer shall provide a Soil Erosion and Sedimentation Control Plan pursuant to the Bedford Township Subdivision and Land Development Ordinance (hereinafter "SALDO") and satisfactory in nature to the Township's Engineer, along with an NPDES permit issued by the Department of Environmental Protection (hereinafter "DEP") or such other governmental entity having jurisdiction related to Stormwater Discharges Associated with Construction Activities.
4. Maintenance of Stormwater System and Related Facilities Shown and/or Referenced as part of Stormwater Management Plan. Developer agrees that it shall, following execution of this Agreement, hereafter perpetually maintain the stormwater system and related facilities shown and/or referenced upon the Plan and meet the terms and specifications of its Operations and Maintenance Program for Permanent Stormwater Facilities set forth on the Plan.
5. Grading and Drainage. Developer agrees that it shall ensure that the grading and drainage requirements and specifications as set forth in and designed as part of the Plan shall be installed and completed in accordance with the Plan.
6. Partial Waiver of Landscape Buffer Areas. Developer has requested and Township shall, at part of its approval of the Plan, grant a partial waiver of certain of the landscaping requirements along public roadways set forth in Section 702.11 of the SALDO. Developer shall be permitted to utilize existing vegetative buffer as to a residential property to the south. Developer shall install ten (10) feet of lawn

buffer along the public roadway and southern edge of the proposed fence adjacent to the southern property.

7. Partial Waiver of Requirements of Section 904(c) of SALDO. Developer has requested and Township shall, as part of its approval of the Plan, grant a partial waiver of the required setback distance for structures from public highways. Developer has provided satisfactory correspondence from Penn DOT to the Township indicating that the chainlink fence, being ten (10) feet from the right-of-way line of SR 1001 (Imlertown Road), and solar panels, being twenty-five (25) feet from such line, are acceptable to Penn DOT. Developer may so erect the chainlink fence and solar panels at such distances from the right-of-way line of SR 1001 (Imlertown Road).
8. Floodplain Management Ordinance Requirements. Developer shall provide a Floodplain Development Narrative and Floodplain Development Plan which is satisfactory to the Township and which meets the requirements of the Township's Floodplain Management Ordinance, as amended.
9. Responsibilities of Developer as set forth on Final Plan. Developer agrees to fulfill its responsibilities and completion construction of the project as set forth on the Final Plan and the Terms and Conditions of the Township's approval of the Final Plan.
10. Hold Harmless. Developer acknowledges that Developer is relying on Developer's own engineer and not the Township's engineer, and should any engineering plans or designs prepared for Developer lead to litigation in any way, Developer hereby waives any claim or action against the Township, its engineer,

solicitor, agents, servants, employees, Supervisors, and representatives with respect thereto, including but not limited to joinder for sole liability, contribution, indemnity, or otherwise. Developer further agrees to indemnify, defend, and hold harmless the Township, its engineer, solicitor, agents, servants, employees, Supervisors and representatives from any and all claims by any person, firm, entity, or otherwise for injury or damage to person, property, or otherwise concerning any aspect of said Development.

11. Recordation of Agreement. The parties hereto shall execute this Agreement before a notary public to enable the placement of the same of record at the sole cost of Developer in the Office of the Recorder of Deeds for Bedford County, Pennsylvania.
12. Entire Agreement. This Agreement, along with the Plan dated October 18, 2018, revised October 29, 2018, constitute the entire contract by the parties hereto, and there are no other understandings, oral or written, relating to the subject matter hereof. This Agreement may not be changed, modified, or amended in whole or in part except in writing, signed by all the parties hereto.
13. Binding Effect. This Agreement and all of its terms and conditions shall extend to and be binding upon the parties hereto and upon their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

ATTEST:

BEDFORD TOWNSHIP

Secretary

Chairman

Supervisor

Supervisor

ATTEST:

DEVELOPER: COUNTY OF
BEDFORD

Secretary

BY _____
Chairman, Bedford County
Board of Commissioners

COMMONWEALTH OF PENNSYLVANIA

:
: SS
:

COUNTY OF BEDFORD

On the _____ day of _____, 2019, before me, the undersigned officer, personally appeared Gregory L. Crist, Chairman, Bedford Township, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF BEDFORD :

On the _____ day of _____, 2019, before me, the undersigned officer, personally appeared Ricky P. Fetter, Supervisor, Bedford Township, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF BEDFORD :

On the _____ day of _____, 2019, before me, the undersigned officer, personally appeared Dean Shuller, Supervisor, Bedford Township, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA

:

: SS

COUNTY OF BEDFORD

:

On the _____ day of _____, 2019, before me, the undersigned officer, personally appeared _____, Chairman, Bedford County Board of Commissioners, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

Debra Brown

From: Michael Clapper
Sent: Tuesday, January 22, 2019 2:08 PM
To: Rodney Rose
Subject: RE: Did you receive the letter?
Attachments: SCAN0358.PDF

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, January 22, 2019 1:39 PM
To: Michael Clapper <mclapper@bedfordcountypa.org>
Subject: Re: Did you receive the letter?

No sir,

I did not received a signed letter. Please Resend if possible

Rodney G. Rose, Esq.

General Counsel and Director of Business Development

4700 Pottsville Pike Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



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On Tue, Jan 22, 2019 at 12:41 PM Michael Clapper <mclapper@bedfordcountypa.org> wrote:

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First National Bank

124 South Juliana Street, Bedford, PA 15522
814-623-2101

1/18/2019

This letter shall serve as a commitment to extend \$18,898 to the County of Bedford in the form of a letter of credit. The letter of credit will be effective January 25, 2019 and shall remain in effect for a period of one (1) year, with an Initial expiration date of January 25, 2020. This Standby Letter of Credit is automatically extended without written amendment annually for one (1) year from the expiration date or any automatically extended expiration date provided herein, unless at least sixty (60) days prior to such expiration date First National Bank notifies Bedford Township by overnight courier that First National Bank elects not to consider this Standby Letter of Credit extended for any such additional period. Upon receipt of such notice, Bedford Township may draw against this Standby Letter of Credit prior to expiration, in the manner described herein, if the requirement improvements or repairs are incomplete.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Michael J. Macionsky", written over a horizontal line.

Michael J. Macionsky
Assistant Vice President

Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, January 22, 2019 3:10 PM
To: Commissioner Dallara; Michael Clapper; Debra Brown
Subject: Fwd: Final Documents for Bedford County Jail for Bedford Township Permits

Please see the attached email from Mr. Allison, the township's solicitor. It indicates that the document provided by 1st national bank of Bedford is insufficient and they need to use the former letter he sent over which was CC to you last week. Is there any possibility of getting listen executed today or should we just assume that we will need to wait till the tele should meeting next month in order get final approvals?

----- Forwarded message -----

From: CenturyLink Customer <b.allison@embarqmail.com>
Date: Tue, Jan 22, 2019, 3:07 PM
Subject: Re: Final Documents for Bedford County Jail for Bedford Township Permits
To: Rodney Rose <rrose@rerenergygroup.com>

Rodney: The letter from the Bank is insufficient. It short-forms what I provided and eliminates the mechanism by which the letter can be presented to the Bank. The Bank should have used the form I provided, putting it on Bank letterhead. Brad A.

From: "Rodney Rose" <rrose@rerenergygroup.com>
To: "CenturyLink Customer" <b.allison@embarqmail.com>
Cc: "Andrew Biederman" <abiederman@rerenergygroup.com>, "Archer, Michael" <marcher@blcompanies.com>, "Mike Barnes" <mbarnes@rerenergygroup.com>, "Debra Brown" <dbrown@bedfordcountypa.org>
Sent: Tuesday, January 22, 2019 2:28:30 PM
Subject: Final Documents for Bedford County Jail for Bedford Township Permits

See attached final required documents for Bedford County Jail Solar Project for Bedford Township Meeting for tonight.

- 1) Signed Letter of Financial Security for Bedford Co. from First National Bank of Bedford (Signed by AVP Michael Macionsky)
- 2) Developers Agreement - Signed and Notarized (by Commissioner Josh Lang and Attested by County Clerk, Debra Brown)

Please let us know if anything else is required prior to the meeting.

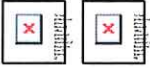
Rodney G. Rose, Esq.

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--

Bradley D. Allison, Esquire
Allison & Rickards, Attorneys at Law, LLC
102 W. Penn St., Ste. No. 1
Bedford, Pa. 15522

Debra Brown

From: Michael Clapper
Sent: Tuesday, January 22, 2019 3:27 PM
To: Macionsky, Michael
Subject: FW: County Credit Letter to Bedford Township
Attachments: letterofcreditcountyofbedford.docx

Mike,

The letter you sent isn't acceptable to Mr Allison. He wants the attached filled out. I hope you can help. The meeting is at 5:00 I'm going to call you as well.
Thanks Mike

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, January 17, 2019 2:38 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>
Subject: County Credit Letter to Bedford Township

Debra, Michael, and Commissioners,

We were contacted by the Township Solicitor, Mr. Allison, today requesting the attached letter of Standby Credit from the County on Bank Letterhead. He has provided the attached form to provide to your bank for completion.

We have already provided our letter of credit as the design build firm, but as the project is on county property, he is requesting the standby credit letter. As you will recall, our credit letter and submissions were satisfactory for the DCED and the CFA Program, which we also thought would suffice for the Township. However, Mr. Allison would feel more comfortable with the Standby Letter from the County's Bank as the project is located on County property.

The Township's meeting for final permitting approval will take place at 4pm on Tuesday, January 22, 2019. If we could have this back by then, it would mean that all final permits from the Township could be approved and signed at the meeting. I know that this is a difficult ask, as the banks are closed on Monday for the King Holiday Observance, but we just received this back to our office this afternoon and I was unaware that this would be an additional requirement.

Please review and return this to us as soon as possible and let me know if you have any questions or concerns.

Mr. Clapper, Com. Dallara had me cc you on this email as he believes that you may already have open lines at several banks which could quickly resolve this requirement.

Again, thanks for your help in this matter and keeping the project moving forward toward completion.

Sincerely,

Rodney G. Rose, Esq.

General Counsel and Director of Business Development
4700 Pottsville Pike Reading, PA 19605

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(BANK Letterhead)

IRREVOCABLE STANDBY LETTER OF CREDIT # _____

BENEFICIARY
Bedford Township
1007 Shed Road
P.O. Box 148
Bedford, PA 15522

DATE: January __, 2019

Re: County of Bedford (Required Financial Security in connection with Final Land Development Plan for Final Land Development Plan Bedford County Jail Solar Panel submitted to Bedford Township Supervisors, Bedford County, Pennsylvania)

To Whom It May Concern:

We hereby establish, at the request and for the account of COUNTY OF BEDFORD our Irrevocable Standby Letter of Credit No. ___ in the amount of EIGHTEEN THOUSAND EIGHT HUNDRED NINETY-EIGHT (\$18,898.00) DOLLARS AND NO CENTS available by your drafts at sight.

This Letter of Credit is effective January __, 2019. Said funds are available by presentation of your sight draft, which clearly specifies the number of this Letter of Credit accompany by the actual Letter. The draft drawn under this Letter of Credit must bear the clause "Drawn under Irrevocable Letter of Credit # ___, dated January __, 2019 , of _____ BANK."

This Standby Letter of Credit shall remain in effect for a period of one (1) year, with an initial expiration date of January __, 2020. This Standby Letter of Credit is automatically extended without written amendment annually for one (1) year from the expiration date or any automatically extended expiration date provided herein, unless at least sixty (60) days prior to such expiration date _____ BANK notifies Bedford Township by overnight courier that _____ BANK elects not to consider this Standby Letter of Credit extended for any such additional period. Upon receipt of such notice, Bedford Township may draw against this Standby Letter of Credit prior to expiration, in the manner described herein, if the requirement improvements or repairs are incomplete.

Unless otherwise stated, this credit is subject to the Uniform Customs and Practices for Documentary Credits (1994 Revision), International Chamber of Commerce Publication No. 500.

Very truly yours,

Executive (Vice) President

Debra Brown

From: Michael Clapper
Sent: Tuesday, January 22, 2019 3:49 PM
To: Rodney Rose
Subject: RE: Development Agreement with the Township

Mike at FNB left me a message regarding the letter of commitment. He contacted Brad Allison and explained that this is just a letter committing the County. There will be follow up paperwork completed later on in the week.. Mr Allison accepts this.

Mike
Mike Clapper
Administrator for Finance & Support
Bedford County
200 S Juliana Street
814-624-2606

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, January 22, 2019 1:54 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>;
Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael
Clapper <mclapper@bedfordcountypa.org>
Subject: Development Agreement with the Township

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Thanks

Rodney G. Rose, Esq.

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Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, January 22, 2019 3:51 PM
To: Michael Clapper; Andrew Biederman; Commissioner Dallara; Archer, Michael
Subject: Re: Development Agreement with the Township

See correspondance from Michael Clapper to Brad Allison

On Tue, Jan 22, 2019, 3:49 PM Michael Clapper <mclapper@bedfordcountypa.org> wrote:

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Mike Clapper

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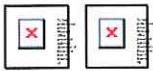
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Debra Brown

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Tuesday, January 22, 2019 3:58 PM
To: Michael Clapper
Subject: Re: Development Agreement with the Township

Thank you For doing this Mr. Clapper. Did Mr. Ellison mention if they will approve the project tonight with the current documentation. My biggest concern is that not having everything in place will the delay the project an additional month

On Tue, Jan 22, 2019, 3:49 PM Michael Clapper <mclapper@bedfordcountypa.org> wrote:

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Bedford County

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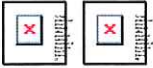
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Debra Brown

From: Michael Clapper
Sent: Wednesday, January 23, 2019 8:33 AM
To: Rodney Rose
Subject: RE: Development Agreement with the Township

I didn't see your email until this morning. Mike Macionsky from FNB was the one that spoke with Allison. Was it approved last night?
Mike

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, January 22, 2019 3:58 PM
To: Michael Clapper <mclapper@bedfordcountypa.org>
Subject: Re: Development Agreement with the Township

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Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Wednesday, January 23, 2019 9:55 AM
To: Michael Clapper
Subject: Re: Development Agreement with the Township

Mr. Clapper.

I just received an email from Mr. Allison that the final plans were approved at the Township meeting last night, pending the final letter being sent over from Mr. Macionsky to Mr. Allison in regards to the credit. I appreciate all of your assistance in getting this done and ahead of the Meeting last night. Please let me know when you receive the letter from FNB and if possible, provide a copy for our records. Thanks again.

Rodney G. Rose, Esq.

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Bedford County

200 S Juliana Street

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To: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Michael Clapper <mclapper@bedfordcountypa.org>

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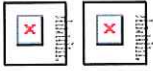
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Debra Brown

From: Donald Schwartz
Sent: Monday, January 28, 2019 1:51 PM
To: McGarvey, Kevin
Subject: RE: Todd Springs Solar Field - Land Use

Kevin,

Thank you. Just to be sure.....although RER is developing the project, who is the final client? Bedford Borough? Or their Municipal Authority? I guess who signed the agreement with RER?

Don

From: McGarvey, Kevin [mailto:kmcgarvey@blcompanies.com]
Sent: Monday, January 28, 2019 12:34 PM
To: Donald Schwartz <dschwartz@bedfordcountypa.org>
Subject: Todd Springs Solar Field - Land Use

Don,

As requested, please find attached a DRAFT copy of the Site Plan and Grading Plan (part of the Preliminary Land Development Plan that was submitted to the Township a few weeks ago.)

Also, here's a blurb from the Stormwater Report:

RER is proposing to develop an existing timbered field located at the aforementioned address, situated entirely within the Township of Bedford, Bedford County, Pennsylvania. The subject property currently consists of a large water tower surrounded by a forested area that has recently been cleared. The development will consist of installing approximately 3,924 solar panels, a service drive aisle around the perimeter (enclosed by a fence), an access drive to the main facility road, and associated equipment needed for the photovoltaic solar panels. The site is located in the Raystown Branch Juniata River Watershed. The watershed has a Chapter 93 Designated Use Classification of Warm Water Fishes, Migratory Fishes (WWF, MF) and does not have an Existing Use Classification assigned.

Hope this provides a little clarity. Please let me know if you have any other questions or need additional information.

Sincerely,
Kevin McGarvey, PE
Senior Engineer II
BL Companies | *Employee owned. Client driven.*



4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011
tel: 717.651.9850 | direct: 717.943.1691
fax: 717.943.1674
www.blcompanies.com

Debra Brown

From: McGarvey, Kevin <kmcgarvey@Blcompanies.com>
Sent: Monday, January 28, 2019 2:00 PM
To: Donald Schwartz
Subject: RE: Todd Springs Solar Field - Land Use

The Landowner or Final Client is Bedford Borough Water Authority.

Kevin McGarvey, PE
Senior Engineer II
BL Companies | *Employee owned. Client driven.*
tel: 717.651.9850 | direct: 717.943.1691
www.blcompanies.com

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Don,

As requested, please find attached a DRAFT copy of the Site Plan and Grading Plan (part of the Preliminary Land Development Plan that was submitted to the Township a few weeks ago.)

Also, here's a blurb from the Stormwater Report:

RER is proposing to develop an existing timbered field located at the aforementioned address, situated entirely within the Township of Bedford, Bedford County, Pennsylvania. The subject property currently consists of a large water tower surrounded by a forested area that has recently been cleared. The development will consist of installing approximately 3,924 solar panels, a service drive aisle around the perimeter (enclosed by a fence), an access drive to the main facility road, and associated equipment needed for the photovoltaic solar panels. The site is located in the Raystown Branch Juniata River Watershed. The watershed has a Chapter 93 Designated Use Classification of Warm Water Fishes, Migratory Fishes (WWF, MF) and does not have an Existing Use Classification assigned.

Hope this provides a little clarity. Please let me know if you have any other questions or need additional information.

Sincerely,
Kevin McGarvey, PE

Senior Engineer II

BL Companies | *Employee owned. Client driven.*



4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011

tel: 717.651.9850 | direct: 717.943.1691

fax: 717.943.1674

www.blcompanies.com

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Donald Schwartz
Sent: Monday, January 28, 2019 2:06 PM
To: McGarvey, Kevin
Subject: RE: Todd Springs Solar Field - Land Use

Ok thanks. I will get this back to you soon.

Don

From: McGarvey, Kevin [mailto:kmcgarvey@Blcompanies.com]
Sent: Monday, January 28, 2019 2:00 PM
To: Donald Schwartz <dschwartz@bedfordcountypa.org>
Subject: RE: Todd Springs Solar Field - Land Use

The Landowner or Final Client is Bedford Borough Water Authority.

Kevin McGarvey, PE
Senior Engineer II
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www.blcompanies.com

From: Donald Schwartz <dschwartz@bedfordcountypa.org>
Sent: Monday, January 28, 2019 1:51 PM
To: McGarvey, Kevin <kmcgarvey@Blcompanies.com>
Subject: RE: Todd Springs Solar Field - Land Use

Kevin,

Thank you. Just to be sure.....although RER is developing the project, who is the final client? Bedford Borough? Or their Municipal Authority? I guess who signed the agreement with RER?

Don

From: McGarvey, Kevin [mailto:kmcgarvey@Blcompanies.com]
Sent: Monday, January 28, 2019 12:34 PM
To: Donald Schwartz <dschwartz@bedfordcountypa.org>
Subject: Todd Springs Solar Field - Land Use

Don,

As requested, please find attached a DRAFT copy of the Site Plan and Grading Plan (part of the Preliminary Land Development Plan that was submitted to the Township a few weeks ago.)

Also, here's a blurb from the Stormwater Report:

RER is proposing to develop an existing timbered field located at the aforementioned address, situated entirely within the Township of Bedford, Bedford County, Pennsylvania. The subject property currently consists of a large water tower

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Kevin McGarvey, PE

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Debra Brown

From: Commissioner Dallara
Sent: Thursday, February 7, 2019 9:59 AM
To: Rodney Rose
Subject: Re: Bedford Jail Solar Project Penelec

Rodney, I was questioned last night about the total cost of the solar project at the BCCF campus. Could u please advise what the total project cost will be including using the \$900,000.00 of grant funds.. my memory recalls a \$3,000,000.00 figure.

Sent from my iPhone

On Feb 6, 2019, at 11:10 AM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Barry,
Pennelec wanted us to run a request by the county in regard to the meter connection at the jail. Would you have a couple minutes today to call and discuss?

Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)

rrose@rerenergygroup.com | www.rerenergygroup.com

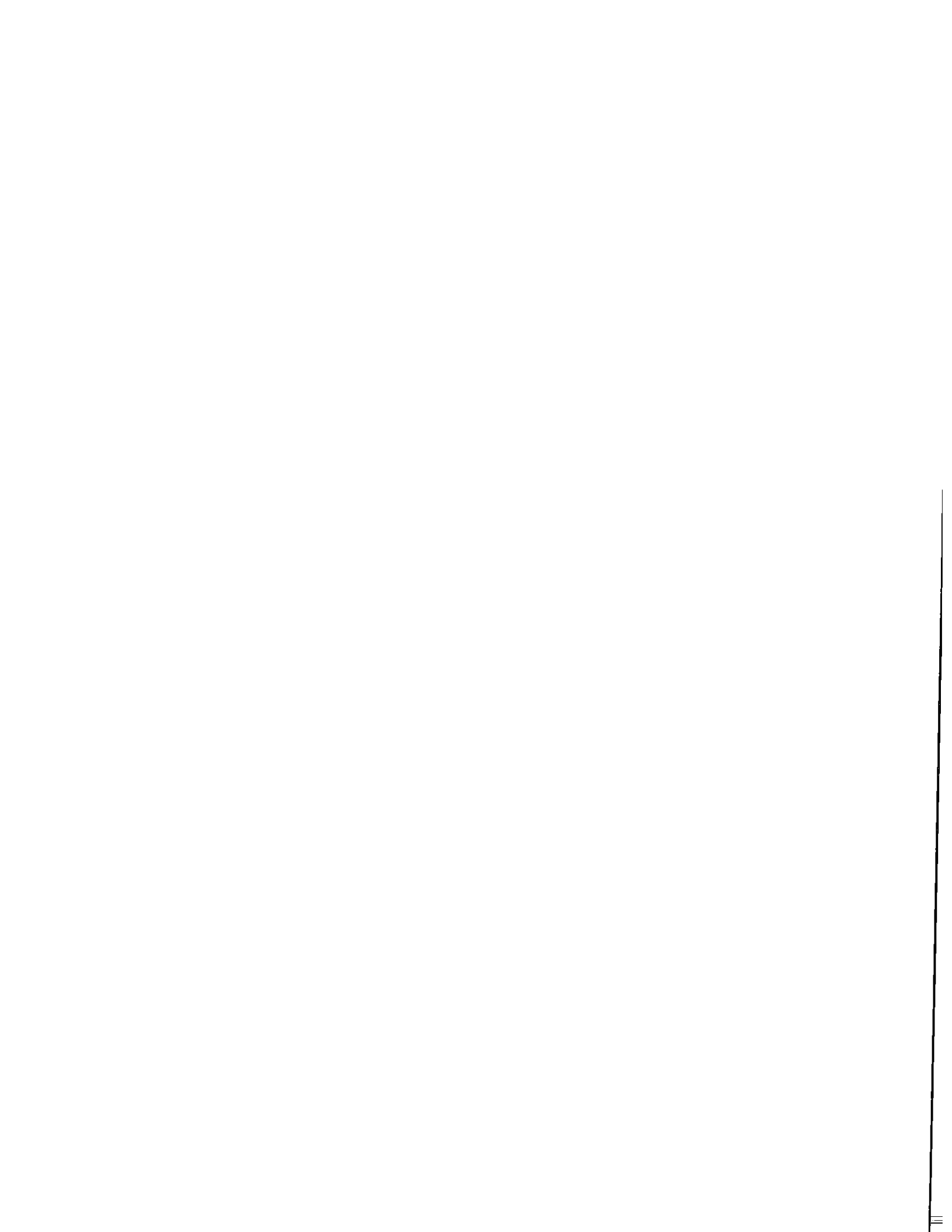


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Named one of the nation's fastest growing private companies for the third consecutive year.





Debra Brown

From: Commissioner Dallara
Sent: Thursday, February 7, 2019 2:00 PM
To: Rodney Rose
Subject: Re: Bedford Jail Solar Project Penelec

Thank u

Sent from my iPhone

On Feb 7, 2019, at 10:51 AM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Barry,

I just pulled our most recent cost estimator from our Smartsheet Calculator and the number listed for total project cost is \$2,957,220.00

Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



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On Thu, Feb 7, 2019 at 9:59 AM Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:
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rose@rerenergygroup.com | www.rerenergygroup.com



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Debra Brown

From: Commissioner Dallara
Sent: Monday, February 11, 2019 11:45 AM
To: Commissioner Lang
Cc: Commissioner Crooks
Subject: Re: Solar Project Concerns

I agree

Sent from my iPhone

On Feb 11, 2019, at 10:55 AM, Commissioner Lang <jlange@bedfordcountypa.org> wrote:

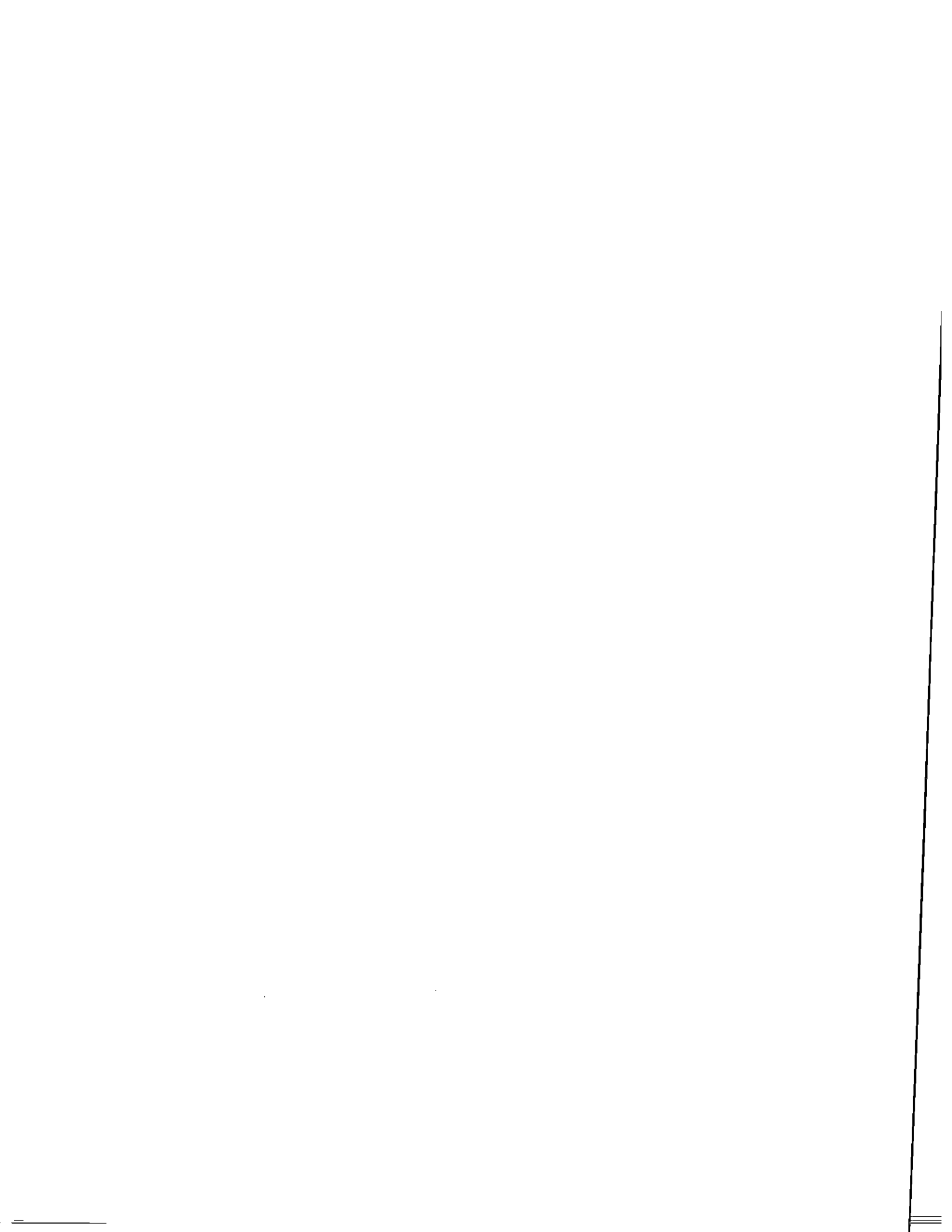
Good morning,

Brooks Shoemaker just called me to inform me of some pretty major concerns regarding the solar project in regards to RER Energy. I think it would be best to have Brooks meet with all three of us so you can hear it directly from him.

Josh

Josh Lang, Chairman
Bedford County Commissioner
200 S. Juliana Street
Bedford, PA 15522
[\(814\) 623-4807](tel:8146234807)
www.bedfordcountypa.org

<image001.png>



Debra Brown

From: Commissioner Dallara
Sent: Monday, February 11, 2019 12:06 PM
To: Commissioner Crooks
Cc: Commissioner Lang
Subject: Re: Solar Project Concerns

Yes, I told Rod Rose that he should call RER and talk to Brooks directly and if he can't work it out that we need to schedule a meeting with all involved parties ASAP to find a way to resolve the issue. This sounds like turf and ego issues more than anything else to me.

Sent from my iPhone

On Feb 11, 2019, at 11:50 AM, Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

Josh

I talked to both Rod and Brooks about the Borderline Agreement this morning. Brooks told me that RER (Rod) would have to talk to Bedford Rural Elec. to be able to work out the issues. There has been very little contact between RER and BRE.

Paul

From: Commissioner Lang
Sent: Monday, February 11, 2019 10:56 AM
To: Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: Solar Project Concerns
Importance: High

Good morning,

Brooks Shoemaker just called me to inform me of some pretty major concerns regarding the solar project in regards to RER Energy. I think it would be best to have Brooks meet with all three of us so you can hear it directly from him.

Josh

Josh Lang, Chairman
Bedford County Commissioner
200 S. Juliana Street
Bedford, PA 15522
(814) 623-4807
www.bedfordcountypa.org

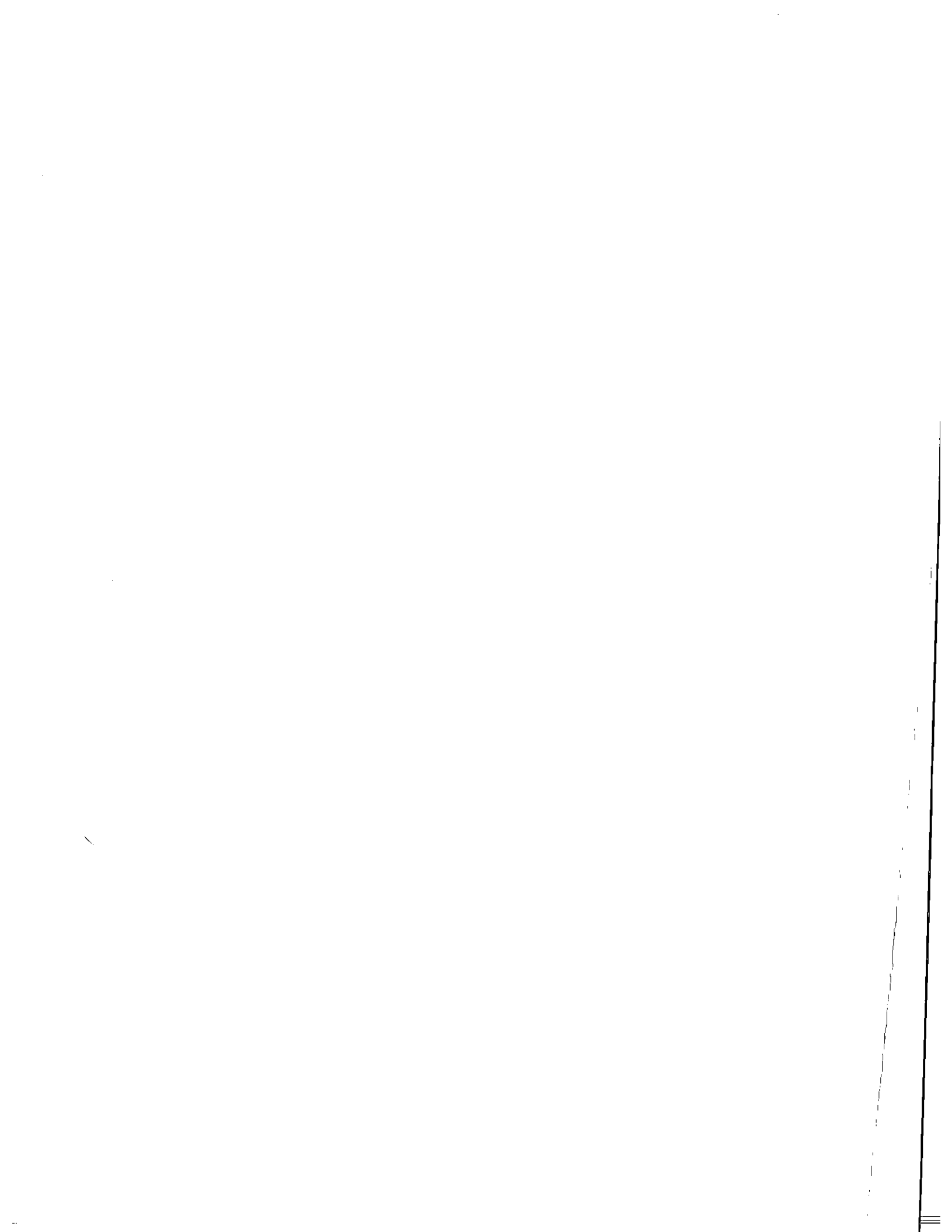
<image001.png>

Debra Brown

From: Commissioner Dallara
Sent: Monday, February 11, 2019 4:23 PM
To: Cindy Moore
Subject: Electric Co Invoices

Cindy, the new solar field project will result in the county not paying any electric bill to BREC once construction is completed. However we are in the process of negotiating with BREC how they will reimburse the county for the electricity generated by the solar field. Therefore we need to send a scanned copy of a recent invoice for the 4 facilities that will be supported by the solar field and email them to Larry Myers. He will then advise the county on what rates BREC should be using to reimburse the county for the electricity our solar field is generating. Please let me know if you do not have Larry's email address.

Sent from my iPhone



Debra Brown

From: Commissioner Dallara
Sent: Monday, February 11, 2019 5:07 PM
To: Rodney Rose
Cc: Commissioner Lang; Commissioner Crooks
Subject: Re: Follow Up to Discussion with Bedford Rural Electric Coop

Rod I'm fine with the solution u described in your email

Sent from my iPhone

On Feb 11, 2019, at 4:57 PM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Commissioners,

Following our call with Mr. Shoemaker and Mr. Young from BREC, they recommended a possible path forward for interconnecting the system to the BREC existing account at the jail and creating a Surplus account which the BREC would then pay to the County, to pay for the other meters (Library, Courthouse, 911 Center). We are investigating if this is possible and have tentatively scheduled a meeting with BREC in Bedford for the last week of Feb. to discuss the easiest and most effective way to bring the array online.

How the proposed idea would work is as follows;

1. RER Would Build the Array as designed (Large enough to serve the multiple accounts
2. The BREC would interconnect the system and all energy would flow to and from the BREC Meter
3. The array would offset all of the needs of the Bedford Co. Jail
4. Whatever energy produced remains after the Jail's needs are satisfied would be "banked" into an account. Periodically (Annually or possible quarterly), the BREC would cut the County checks for the excess production at the Avoided Cost rate (Rate you pay for energy from BREC).
5. These funds would then be used by the county to pay the bills to Pennelec for the Library/ Courthouse/ 911 Call center.
6. Because the rate being paid to BREC (And therefore the rate BREC will pay the county for over production) their may even be additional savings
7. There would, under this model be no need to install another meter by Pennelec, and this would keep the county as a BREC metered entity.

Andrew and Mr. Young will be having a call to explore the logistics of how this would work, and BL companies are sending BREC the latest plans and designs for comment.

Please review the above and let me know if there are any questions or concerns, and if you, the commissioners are comfortable with this path. We (RER) are going to explore how this would affect the overall structuring of the PPA and see if there are modifications needed, and are going to try to run this idea to ground to make sure it is feasible with the current agreement and production goals.

Thank you

Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



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Debra Brown

From: Cindy Moore
Sent: Tuesday, February 12, 2019 7:51 AM
To: Commissioner Dallara
Subject: RE: Electric Co Invoices

What 4 facilities are you talking about.

Thanks
Cindy

-----Original Message-----

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Monday, February 11, 2019 4:23 PM
To: Cindy Moore <Cmoore@bedfordcountypa.org>
Subject: Electric Co Invoices

Cindy, the new solar field project will result in the county not paying any electric bill to BREC once construction is completed. However we are in the process of negotiating with BREC how they will reimburse the county for the electricity generated by the solar field.
Therefore we need to send a scanned copy of a recent invoice for the 4 facilities that will be supported by the solar field and email them to Larry Myers. He will then advise the county on what rates BREC should be using to reimburse the county for the electricity our solar field is generating.
Please let me know if you do not have Larry's email address.

Sent from my iPhone



Debra Brown

From: Commissioner Dallara
Sent: Wednesday, February 13, 2019 4:11 PM
To: Commissioner Crooks
Subject: Re: Solar Panels

I agree and we need to discuss how we are going to respond to Fulton County.

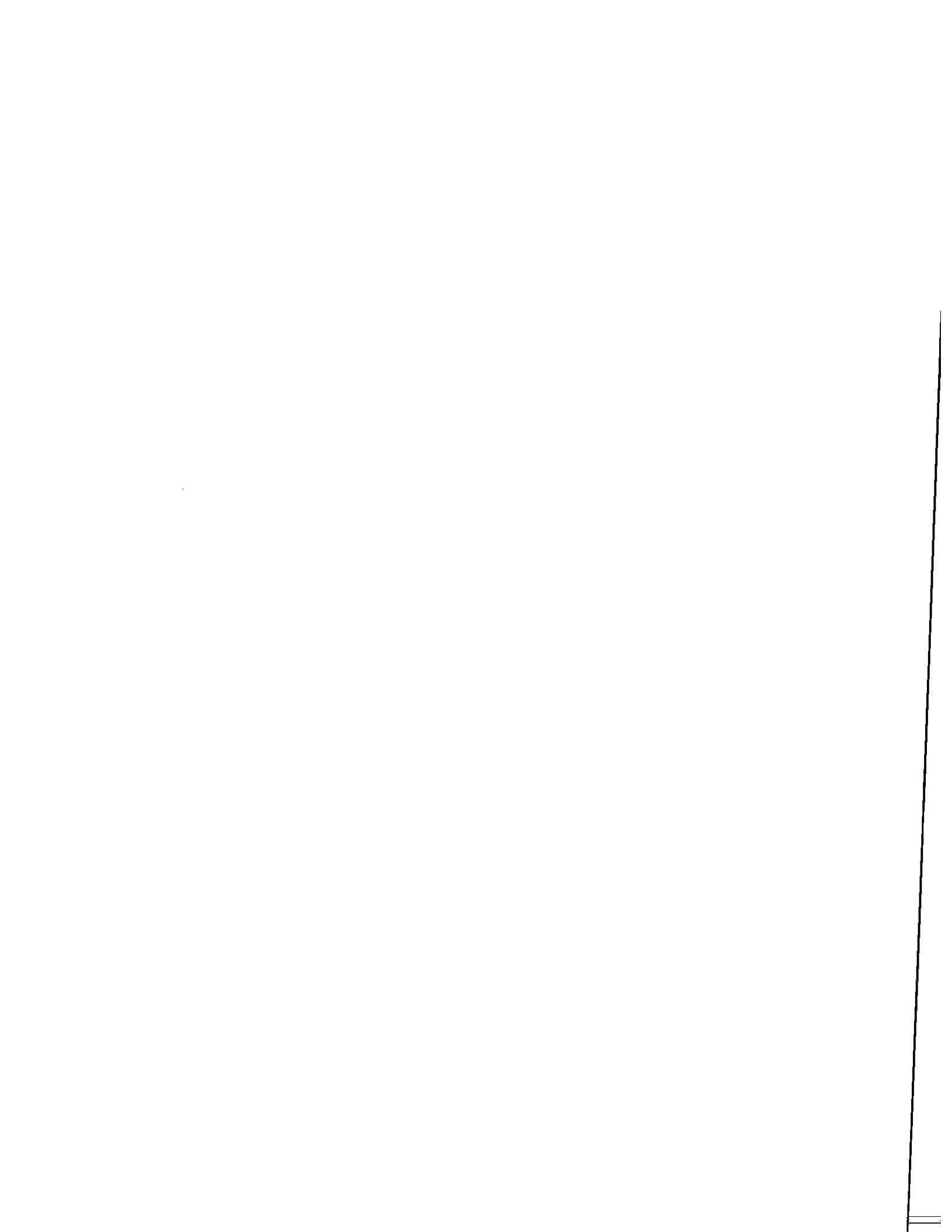
Sent from my iPhone

On Feb 13, 2019, at 4:02 PM, Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

Guys

We need to talk about the issues with the solar panel installation problems and possible solutions.
Anytime tomorrow would be good.

Paul



Debra Brown

From: Commissioner Dallara
Sent: Thursday, February 21, 2019 9:00 PM
To: bdallara@comcast.net
Subject: BREC Communicstions

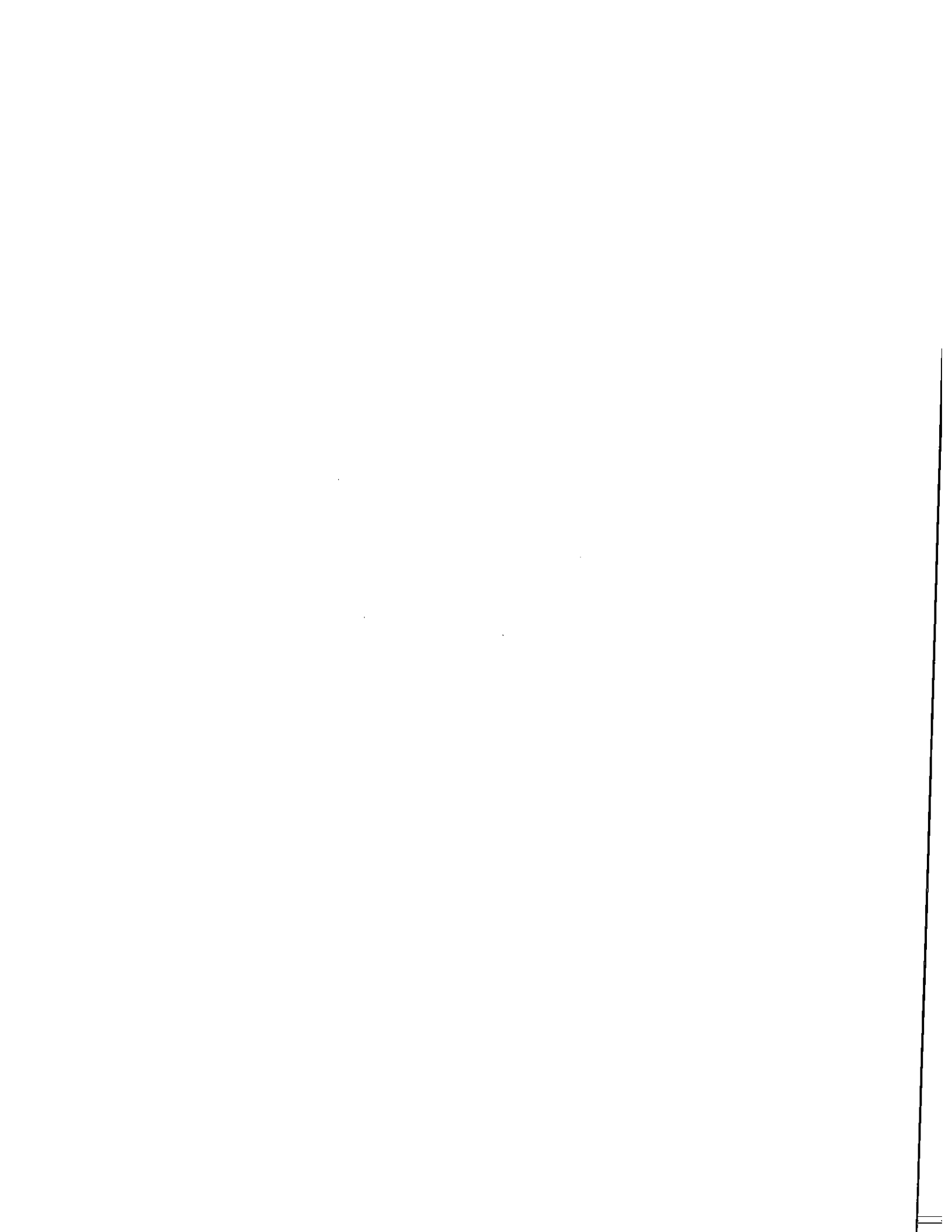
Follow Up Flag: Flag for follow up
Flag Status: Completed

Rod, I reviewed to the best of our available notes to recall our interactions with Brooks Shoemaker of BREC during the spring of 2018/early summer of 2018. As I have stated before Commissioner Crooks and Commissioner Lang both had conversations regarding our solar project then. When we initially heard that The CEO of BREC might have concerns about the project, I personally contacted Rep Jesse Topper who indicated that Mr Shoemaker might just need to be updated about the project. We felt his concerns had been resolved and The biggest issue the other commissioners heard from Brooks was him refuting the savings projected in the grant proposal. Mr. Shoemaker has been rather erratic in his behavior and attitude toward our project but silent until just recently. Every time we draw closer to starting the project he creates another crisis for reasons unknown to us.

I have made my position very clear to all concerned and indicated that I will draw upon all resources available to the county to insure that our project is completed in a timely manner and achieves the savings for our taxpayers that it should.

We are grateful for your efforts to move the project to implementation and regret that you, (RER Energy), have encountered a very antagonistic CEO at BREC. I truly believe Mr Shoemaker has not been engaged personally in the project and that his own staff has not kept him in the loop . For example on May 7,2018, BREC signed a contract with RER Energy for agreeing to design the interconnectivity system for a fee of \$7500.00. Yet Mr Shoemaker claims he knew nothing about the project till later that summer.

Sent from my iPhone



Debra Brown

From: Debra Brown
Sent: Tuesday, February 26, 2019 10:49 AM
To: Cindy Moore
Subject: FW: Bills for the Jail

This was the attorney you spoke with a while back! Let me know or please respond directly, thanks.

Deb

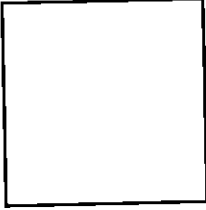
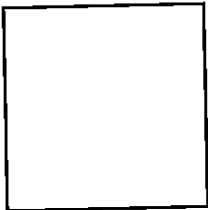
From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, February 26, 2019 10:06 AM
To: Debra Brown <DBrown@bedfordcountypa.org>
Subject: Bills for the Jail

Deb,

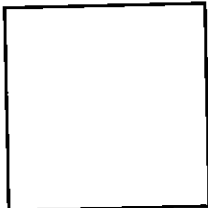
Was Cindy able to get the Electric bills for the last 12 month for the Jail to send over? Our engineers need to see them for rightsizing the array based on usage. As mentioned before, the bills we have from our original review date back to 2016 and we need the most recent to ensure the rightsizing of the solar array for the jail. Thanks in advance.

Rodney G. Rose, Esq.

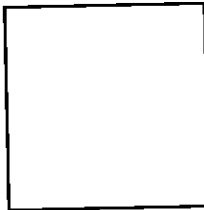
Director of Business Development
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rrose@rerenergygroup.com | www.rerenergygroup.com

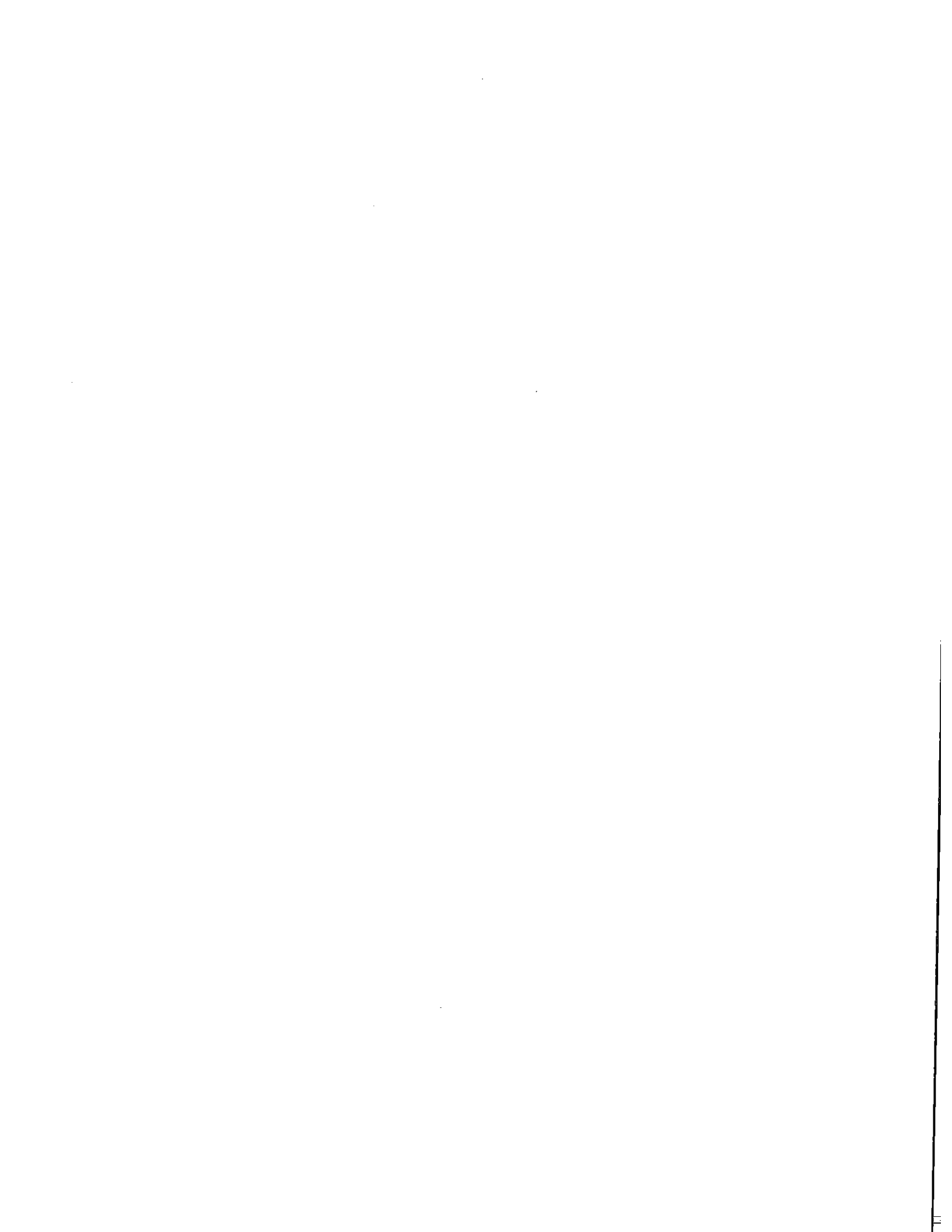


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Debra Brown

From: Lois Beidler <lbeidler@rerenergygroup.com>
Sent: Thursday, February 28, 2019 3:36 PM
To: whippedtraditions@gmail.com
Cc: Debra Brown; Rodney Rose; Linda Drei; Jim Kurtz
Subject: 12/13/18 Bedford Cty Event
Attachments: W-9 Request - RER.pdf

Good day,

I just received an email that payment was to be made to you for the Bedford Cty groundbreaking event. Please forward a bill for the event with amount due to accounting@rerenergygroup.com with payment options ie check only, credit card.
Please also include W-9 for account set-up; a blank is attached for your use.

Thank you.

Lois Beidler

Bookkeeper/Administrative Support

4700 Pottsville Pike, Reading, PA 19605

c: 610-781-1256 o: 610-332-7232 f: 888-712-0734

lbeidler@rerenergygroup.com | www.rerenergygroup.com

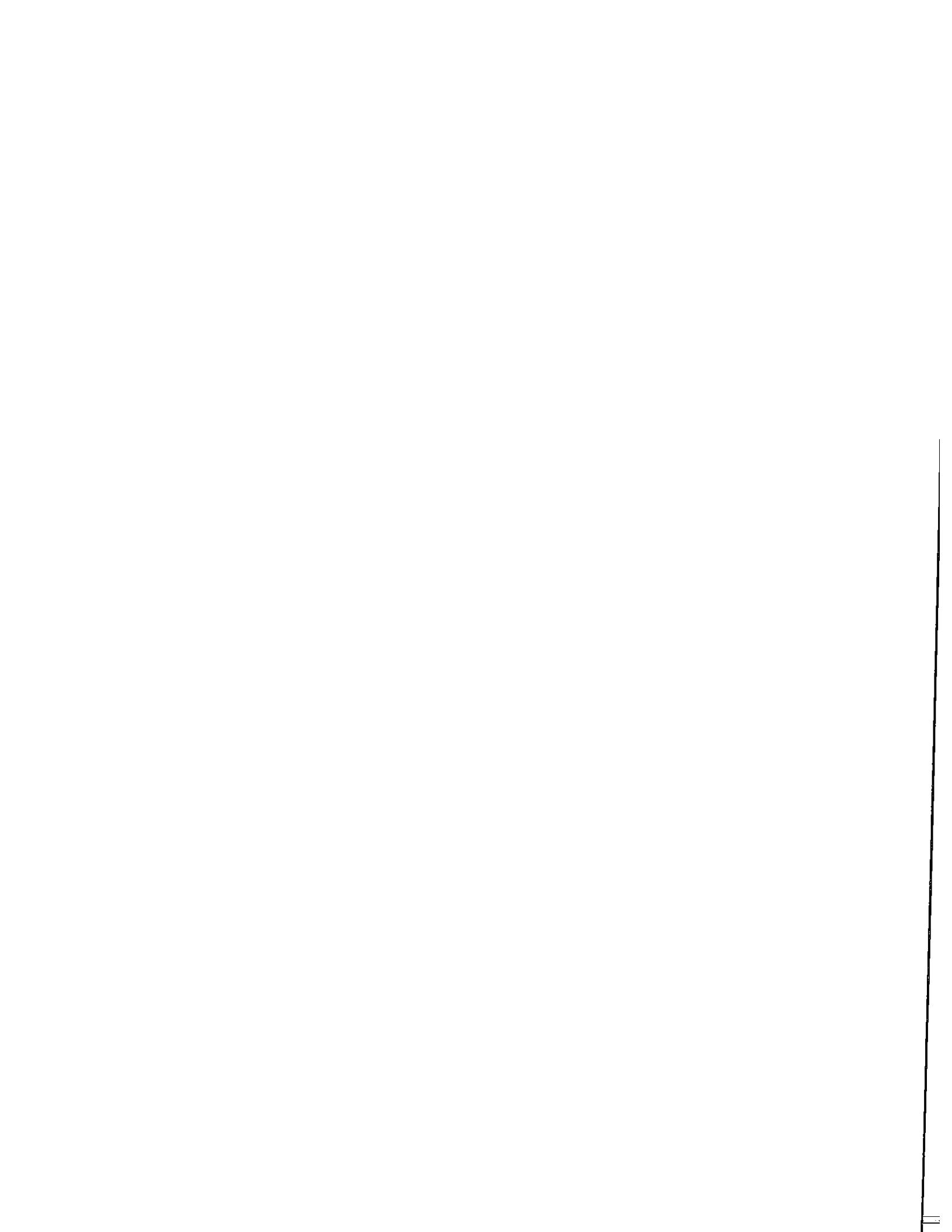


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Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China Income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; do not leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. Individual. Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. Sole proprietor or single-member LLC. Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation. Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. Other entities. Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ¹
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its Instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

- A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
- B—The United States or any of its agencies or instrumentalities
- C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)
- F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state
- G—A real estate investment trust
- H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
- I—A common trust fund as defined in section 584(a)
- J—A bank as defined in section 581
- K—A broker
- L—A trust exempt from tax under section 664 or described in section 4947(a)(1)
- M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ²
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i) (A))	The grantor ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i) (B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

Debra Brown

From: Debra Brown
Sent: Monday, March 4, 2019 3:58 PM
To: Cindy Moore
Subject: FW: Bills for the Jail

Hi Cindy:

Please cc me when you send this information please, thanks.

Deb

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, February 26, 2019 10:06 AM
To: Debra Brown <DBrown@bedfordcountypa.org>
Subject: Bills for the Jail

Deb,

Was Cindy able to get the Electric bills for the last 12 month for the Jail to send over? Our engineers need to see them for rightsizing the array based on usage. As mentioned before, the bills we have from our original review date back to 2016 and we need the most recent to ensure the rightsizing of the solar array for the jail. Thanks in advance.

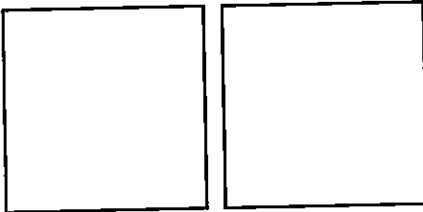
Rodney G. Rose, Esq.

Director of Business Development

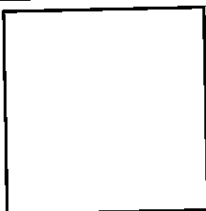
4700 Pottsville Pike, Reading, PA 19605

o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)

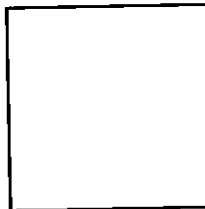
rrose@rerenergygroup.com | www.rerenergygroup.com



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Named one of the nation's fastest growing private companies for the third consecutive year.





Debra Brown

From: Debra Brown
Sent: Wednesday, March 6, 2019 3:40 PM
To: Cindy Moore
Subject: FW: Bills for Bedford Locations

Hi:

If you can provide me with a date, I will call him!

Deb

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Wednesday, March 06, 2019 3:00 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Subject: Bills for Bedford Locations

Ms. Brown,

I spoke with Cindy last week regarding the most recent electricity bills for the Bedford Jail, Courthouse, Library and 911 Center. She let me know that last week was payroll week which was busy, and that they would probably get to us this week. Could you please provide a stats update as to when we will expect these bills to be sent over. We need to input the information into our calculations moving forward with the Solar Array.

A reminder the Jail Bills are BREC and the others are all PENELEC. Please call me if you have other questions. Thank you

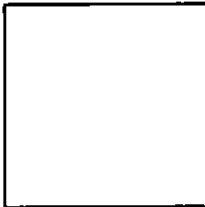
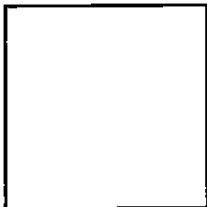
Rodney G. Rose, Esq.

Director of Business Development

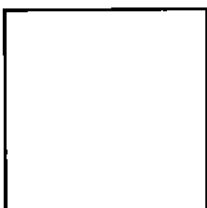
4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

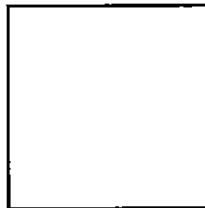
rrose@rerenergygroup.com | www.rerenergygroup.com

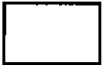


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Debra Brown

From: Barbara Diehl <bdiehl@bedboro.com>
Sent: Thursday, March 7, 2019 12:13 PM
To: Rick Suder
Cc: 'Bedford Township Supervisors'; 'Kevin Hartman'; Donald Schwartz
Subject: RE: Borough Application
Attachments: Signed BCPC Application (03.07.2019).pdf

Good Afternoon Rick,

I've attached the signed copy for your records.
The Final Plans will be come from Mike Archer (BL Companies).

The Borough officially abolished the Bedford Borough Water Authority back on October 1, 2018.
We combined our authorities together – now known as the Municipal Authority of the Borough of Bedford (MABB).
I noted that on Step 4. All documentation has been submitted and I'll assume that everything has officially been recorded.
Merely wanted to mention that to you just in case the name change occurred anywhere.

Thank you -

Barbara

Barbara E. Diehl | Bedford Borough Manager

From: Rick Suder <Rsuder@bedfordcountypa.org>
Sent: Thursday, March 07, 2019 9:35 AM
To: bdiehl@bedboro.com
Cc: Bedford Township Supervisors <bedfordtwp@gmail.com>; Kevin Hartman <Kevin.Hartman@ghd.com>; Donald Schwartz <dswartz@bedfordcountypa.org>
Subject: FW: Borough Application

Hi Barb,

Attached is our County Subdivision and Land Development Application for the Todd Springs Reservoir Solar Field with a cover memo from BL Companies to Kevin Hartman that I received from Bedford Township. The landowner needs to sign and date Step 4 of our application. Once this is completed, please forward it (hard copy or by email) back to me (there is no County plan review fee). Also, we need to receive a copy of the plans and any other associated plan documents so that we can complete our required review.

Thanks,

Rick Suder

Bedford County Planning Commission
814.623.4827

From: Bedford Township Supervisors <bedfordtwp@gmail.com>
Sent: Thursday, March 07, 2019 8:33 AM
To: Rick Suder <Rsuder@bedfordcountypa.org>
Subject: Borough Application

Rick,

I received the application on 3/6/2019 for signature of the Township it is attached. We received the one set of plans on January 22, 2019. I had assumed they sent you a set of plans, but obviously they did not.

I asked Kevin Hartman to notify BL to send you a set of plans and to send us a County Application to sign, which is the one attached; received 3/6/19.

If you have not received a set of plans by Friday I would email Michael Archer too request them.

Janie

Janie L. McMillen - Secretary/Treasurer

Bedford Township, P.O. Box 148, Bedford, Pa. 15522
814.623.8296-P 814.623.5695-F
www.bedfordtwppagov.com

ExchangeDefender Message Security: [Check Authenticity](#)



An Employee-Owned Company

TRANSMITTAL

DATE: 3/5/2019
 ATTENTION: Kevin Hartman, P.E.
 COMPANY: Bedford Township Supervisors
 ADDRESS: PO Box 148
 Bedford, PA 15522

FROM: Michael Archer, P.E.
 E-MAIL ADDRESS: marcher@blcompanies.com
 PROJECT: Todd Springs
 PROJECT NO: 18C6591

SUBJECT: Bedford County Planning Commission Application

WE ARE SENDING YOU:

- Attached
- Via _____
- Under Separate Cover
- Plans
- Specifications
- Copy of Letter
- Prints
- Shop Drawings
- Samples
- Application for Payment
- Change Order
- Other

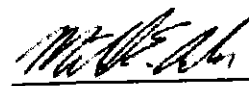
COPIES	DATE	NO.	DESCRIPTION
1	03/05/19	1	Bedford County Planning Commission Subdivision and Land Development Review Application

THESE ARE TRANSMITTED as checked below:

- For Approval
- For Your Use
- As Requested
- For Review & Comment
- For Bids Due _____
- No Exceptions
- Furnish as Corrected
- Revise & Resubmit
- Rejected
- Resubmit for Record
- Resubmit
- Submit
- Return
- Prints Returned After Loan to Us
- For Distribution
- Corrected Prints

REMARKS:

Kevin, please see that attached application. Feel free to reach out with any questions.
 Thank you.

Signed: 

**BEDFORD COUNTY PLANNING COMMISSION
SUBDIVISION AND LAND DEVELOPMENT
REVIEW APPLICATION**

Bedford County Courthouse
200 South Juliana Street
Bedford, PA 15522
Phone: (814) 623-4827 Fax (814) 623-5964
Email: dschwartz@bedfordcountypa.org or
rsuder@bedfordcountypa.org

STEP 1: TO BE COMPLETED BY THE MUNICIPALITY IN WHICH THE LAND IS LOCATED*

Municipality BEDFORD TOWNSHIP

The municipal office received this plan on 1/29/2014 (date) and is submitting it to the Bedford County Planning Commission for review. Please return any review comments to the municipal office within 30 days of your date of receipt.

Municipal Official's Signature [Signature]

**Section 502 (b) of the MPC states that municipalities shall forward subdivision and land development applications to the county planning agency for review. Prior to the review of the subdivision/land development plan by the Bedford County Planning Commission, this section must be completed by the respective municipal official acknowledging receipt of the plan. We understand that this review is not intended to replace either our own review, review by our municipal planning commission, municipal engineer, or solicitor.*

STEP 2: ALL ITEMS MUST BE COMPLETED FOR ALL PLAN SUBMISSIONS

Plan Name: Bedford Borough Todd Springs Reservoir Solar Field

Landowner's Name: Bedford Borough Water Authority Phone: 814-623-8192

Landowner's Address: 244 West Penn Street, Bedford, PA 15522

Applicant's Name**: Andrew Biederman -- RER Energy Phone: 610-332-7232

Applicant's Address**: 4700 Pottsville Pike, Reading, PA 19605

Surveyor/Engineer's Name: Michael E. Archer Phone: 717-651-9850

Surveyor/Engineer's Address: 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011 Email: marcher@blcompanies.com

***If the Applicant is the same as the Landowner, indicate "SAME" on the line provided.*

TYPE OF REVIEW	TYPE OF DEVELOPMENT	AFFECTED TAX PARCEL NUMBERS
<input type="checkbox"/> Preliminary Plan <input checked="" type="checkbox"/> Preliminary/Final Plan <input type="checkbox"/> Final Plan	<input type="checkbox"/> Subdivision Number of New Lots _____ <input checked="" type="checkbox"/> Land Development Square footage of building(s) <u>N/A</u> Acreage <u>7.12</u>	<u>APN 020-079595</u> _____ _____ _____

PLAN INFORMATION		OTHER INFORMATION	
Ownership of Roads:	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private	Is the property enrolled in Clean and Green?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Situated in a Floodplain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is the property in an Agricultural Security Area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Soil Erosion Control Plan:	<input type="checkbox"/> Submitted <input checked="" type="checkbox"/> N/A	Does the property have easements or deed restrictions? <i>If so, please provide</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Highway Occupancy Permit:	<input type="checkbox"/> Submitted <input checked="" type="checkbox"/> N/A		
Water Service:	<input type="checkbox"/> Public/Community <input type="checkbox"/> Private On-Lot		
Name of Public/Community System:	_____		
Sewer Service:	<input type="checkbox"/> Public/Community <input type="checkbox"/> Private On-Lot		
Name of Public/Community System:	_____		
DEP Sewage Planning Module:	<input type="checkbox"/> Submitted <input checked="" type="checkbox"/> N/A		
If Submitted, DEP Module #	_____		

STEP 3: DESCRIBE THE NATURE OF THE PLANNED DEVELOPMENT (RESIDENTIAL, COMMERCIAL, INSTITUTIONAL). IF COMMERCIAL OR INSTITUTIONAL, DESCRIBE THE ACTIVITY PLANNED FOR THE SITE (ATTACHED ADDITIONAL PAGES IF NEEDED). INCLUDE INFORMATION RELEVANT TO THE PROJECT, COPIES OF REVIEW CORRESPONDENCE RECEIVED TO DATE, & DESCRIBE ANY WAIVER REQUESTS.

The nature of the planned development is commercial. The project proposes to add more than 3,500 photovoltaic solar panels to a field on the existing subject property.

On Behalf of the
Municipal Authority of
the Borough of Bedford
Formerly known as the
Bedford Branch Water Authority

STEP 4: SIGNATURE(S) AND ATTACHMENT OF PLAN REVIEW FEE:

The undersigned hereby represents that, to the best of his/her knowledge and belief, all information listed above is true, accurate, and complete and submit this application, a copy of the plan, and project correspondence to the Bedford County Planning Commission

Signature of Landowner _____
Date _____

Signature of Landowner _____
Date 3/7/2019

Make checks payable to: Bedford County Planning Commission

\$ _____
Fee Attached (see below Review Fees)

REVIEW FEES

<p>Subdivisions: There is a separate fee for Preliminary Plan Reviews and for Final Plan Reviews. The fee is the same for lots created for residential, agricultural, or non-residential purposes:</p> <table border="1"> <thead> <tr> <th></th> <th><u>Preliminary or Preliminary/Final</u></th> <th><u>Final Plan</u></th> </tr> </thead> <tbody> <tr> <td>Lot Line Change</td> <td>\$N/A</td> <td>\$30</td> </tr> <tr> <td>2 Lots</td> <td>\$75</td> <td>\$30</td> </tr> <tr> <td>3-4 Lots</td> <td>\$100</td> <td>\$50</td> </tr> <tr> <td>5-6 Lots</td> <td>\$125</td> <td>\$75</td> </tr> <tr> <td>7-10 Lots</td> <td>\$150</td> <td>\$100</td> </tr> <tr> <td>More than 10 Lots</td> <td>\$200 + \$10/Lot</td> <td>\$100 + \$5/lot</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Resubmission of previously reviewed plans showing alterations requiring an additional review: \$100. <p>DEP Sewage Planning Modules: Comp 2: \$70 plus \$30/EDU Comp 3: \$70 plus \$35/EDU</p> <ul style="list-style-type: none"> Resubmission of previously reviewed modules showing alterations requiring an additional review: \$50. 		<u>Preliminary or Preliminary/Final</u>	<u>Final Plan</u>	Lot Line Change	\$N/A	\$30	2 Lots	\$75	\$30	3-4 Lots	\$100	\$50	5-6 Lots	\$125	\$75	7-10 Lots	\$150	\$100	More than 10 Lots	\$200 + \$10/Lot	\$100 + \$5/lot	<p>Land Developments: Preliminary Plan or Preliminary/Final Review fees are noted below. Final Plan Review Fees are one-half the cost of the below fees:</p> <p>Residential: \$80 plus \$10 per unit (domicile)</p> <p>Non-Residential: Based on acreage plus square footage of structure</p> <table border="1"> <thead> <tr> <th></th> <th><u>Base Fee</u></th> <th><u>Fee per 1,000 sq ft.</u></th> </tr> </thead> <tbody> <tr> <td>Up to 5 acres</td> <td>\$150</td> <td>\$7.00</td> </tr> <tr> <td>>5 to 10 acres</td> <td>\$200</td> <td>\$7.00</td> </tr> <tr> <td>>10 to 25 acres</td> <td>\$250</td> <td>\$7.00</td> </tr> <tr> <td>Over 25 acres</td> <td>\$300</td> <td>\$7.00</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Resubmission of previously reviewed plans showing alterations requiring an additional review: \$100. Fees per 1,000 sq ft shall be rounded to the nearest 1,000. 		<u>Base Fee</u>	<u>Fee per 1,000 sq ft.</u>	Up to 5 acres	\$150	\$7.00	>5 to 10 acres	\$200	\$7.00	>10 to 25 acres	\$250	\$7.00	Over 25 acres	\$300	\$7.00
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STEP 5: SUBMIT THIS APPLICATION, REVIEW FEE, PLAN, AND PROJECT DOCUMENTATION – FOR PLANNING COMMISSION USE ONLY

Date of Receipt _____ Received By: _____ Plan File Number _____



Debra Brown

From: Commissioner Dallara
Sent: Friday, March 8, 2019 5:59 AM
To: Debra Brown
Subject: Fwd: Scheduling a Conference call with RER Energy Team

Sent from my iPad

Begin forwarded message:

From: Commissioner Crooks <pcrooks@bedfordcountypa.org>
Date: March 7, 2019 at 4:03:19 PM EST
To: Rodney Rose <rrose@reenergygroup.com>, Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Lang <jlang@bedfordcountypa.org>
Subject: RE: Scheduling a Conference call with RER Energy Team

Rodney

I can't talk for Barry or Josh, but I will be free after noon on Monday.

Paul

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Thursday, March 07, 2019 3:37 PM
To: Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>
Subject: Scheduling a Conference call with RER Energy Team

Commissioners,

Hope this note finds you well.

If possible, would you have availability to join a conference call with the RER Energy Team on Monday, sometime between 1030am and 2pm? Our Operations team would like to update you on the progress on the solar array, and discuss several possible solutions with BREC for bringing the array online. If this time frame does not work for all, please let me know when during the week would be best to have a conference call with our team.

Sincerely,

Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@reenergygroup.com | www.reenergygroup.com



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**Inc.
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Debra Brown

From: Commissioner Dallara
Sent: Friday, March 8, 2019 6:00 AM
To: Commissioner Crooks
Cc: Rodney Rose; Commissioner Lang
Subject: Re: Scheduling a Conference call with RER Energy Team

Rod 2 pm works best for me

Sent from my iPad

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Debra Brown

Subject: Invitation: Bedford Co. Commissioners / RER Energy Group Project Disc... @ Mon Mar 11, 2019 2pm - 3pm (EDT) (bdallara@bedfordcountypa.org)

Start: Mon 3/11/2019 2:00 PM
End: Mon 3/11/2019 3:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: rrose@rerenergygroup.com

[more details »](#)

Bedford Co. Commissioners / RER Energy Group Project Discussion - Solar

When Mon Mar 11, 2019 2pm – 3pm Eastern Time - New York

Joining info meet.google.com/tcm-htso-ahb

Or dial: +1 813-359-9693 PIN: 710175167#

Calendar bdallara@bedfordcountypa.org

Who

- rrose@rerenergygroup.com - organizer
- pcrooks@bedfordcountypa.org
- abiederman@rerenergygroup.com
- Jim Kurtz
- Kurt Karsten
- mbarnes@rerenergygroup.com
- bdallara@bedfordcountypa.org
- jlang@bedfordcountypa.org

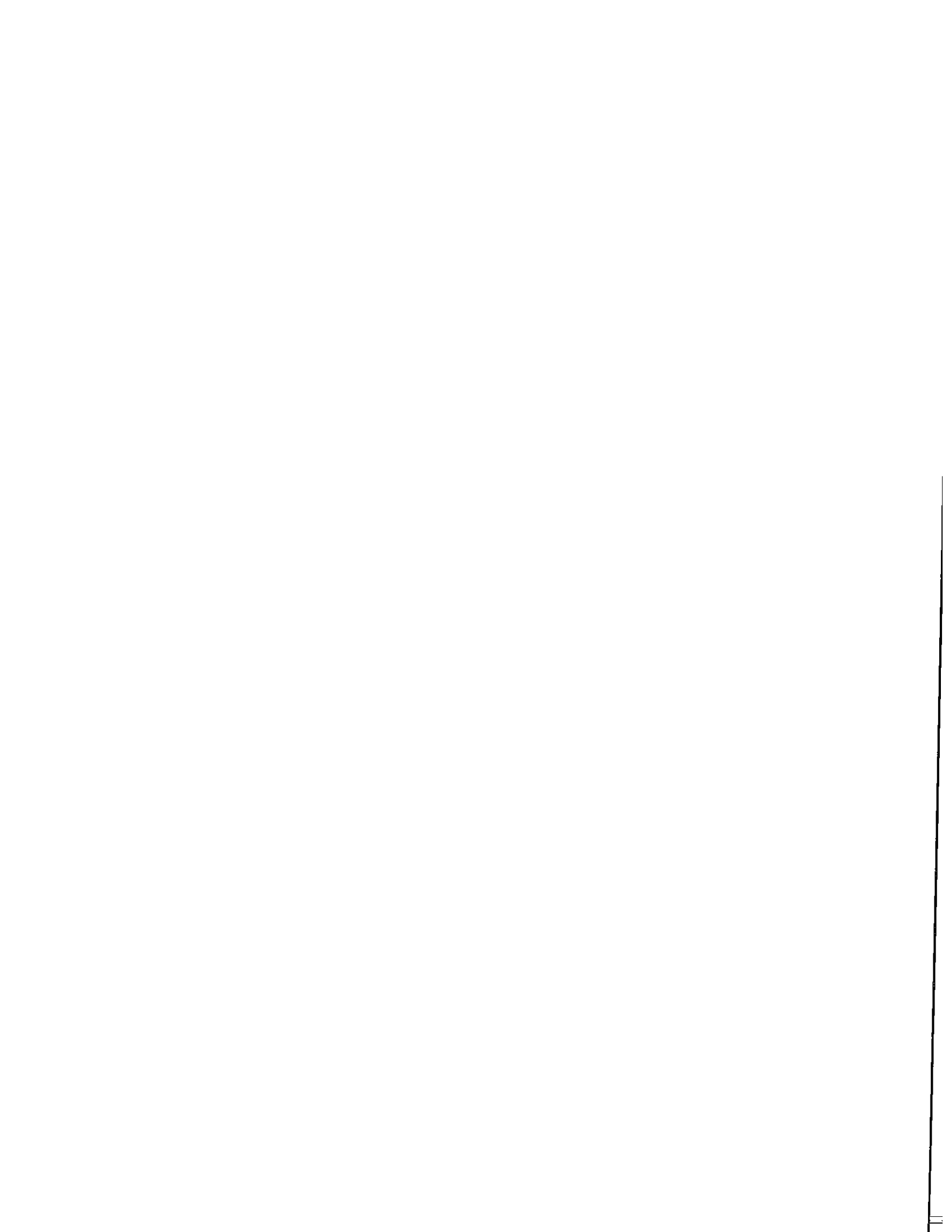
Please use the attached Google Hangout Call In information to join this call
Going (bdallara@bedfordcountypa.org)? **Yes - Maybe - No more options »**

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account bdallara@bedfordcountypa.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More.](#)

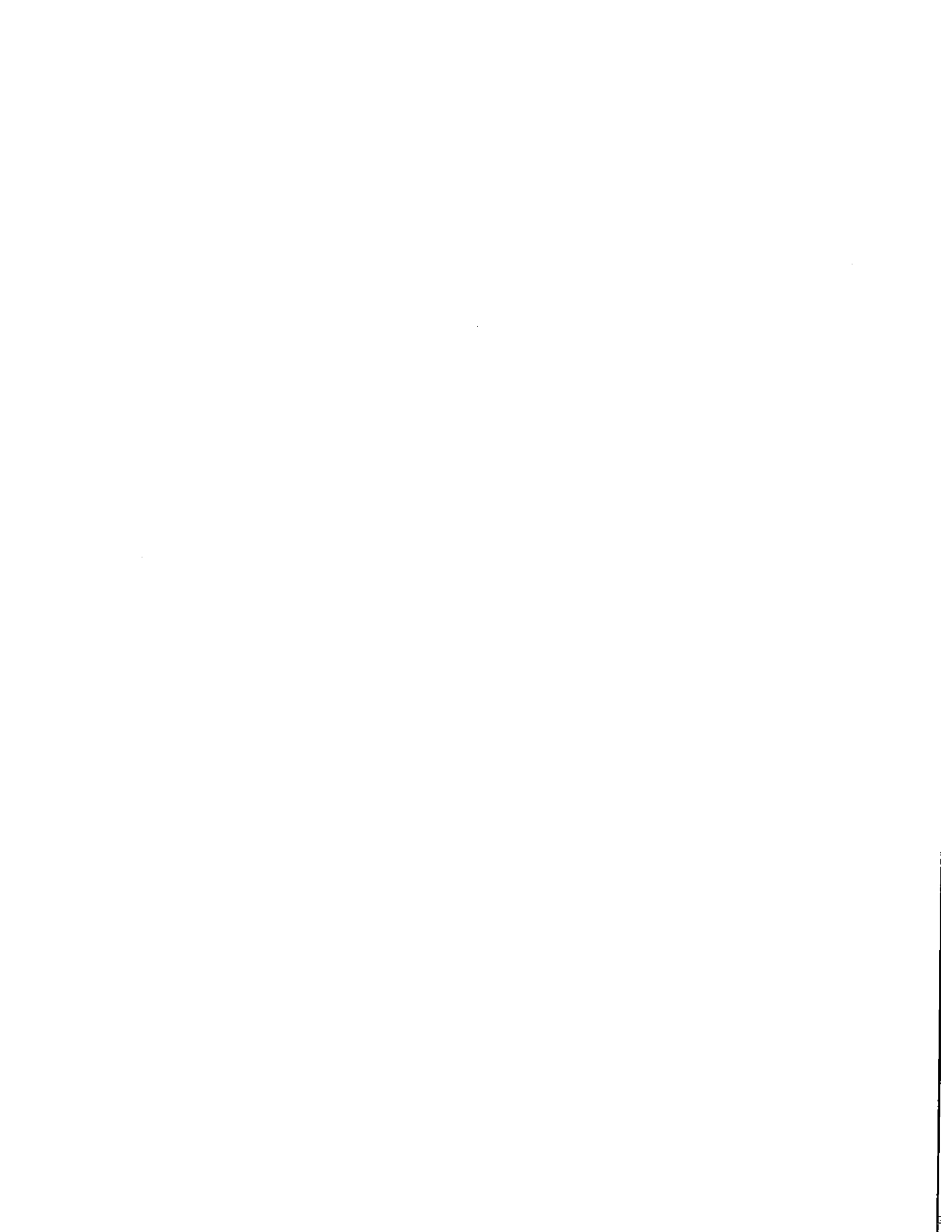


Debra Brown

From: Commissioner Dallara
Sent: Wednesday, April 10, 2019 9:13 AM
To: Debra Brown
Subject: Today's Schedule

Deb, this am I have a Drs apt, then I'm going to the BREC Annual Mtg. Should be in this afternoon sometime.

Sent from my iPhone



Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, May 14, 2019 4:49 PM
To: Commissioner Lang; Commissioner Crooks; Commissioner Dallara; Debra Brown
Cc: Jim Kurtz; Kurt Karsten
Subject: Meeting with Bedford County Commissioners

Gentlemen,

As mentioned during our last call, we have been working with both Pennelec and Allegheny Co-op / BREC on getting the Bedford County Jail Project to move forward. We have had multiple conversations with each entity, and have been waiting on feedback from Allegheny on our discussions.

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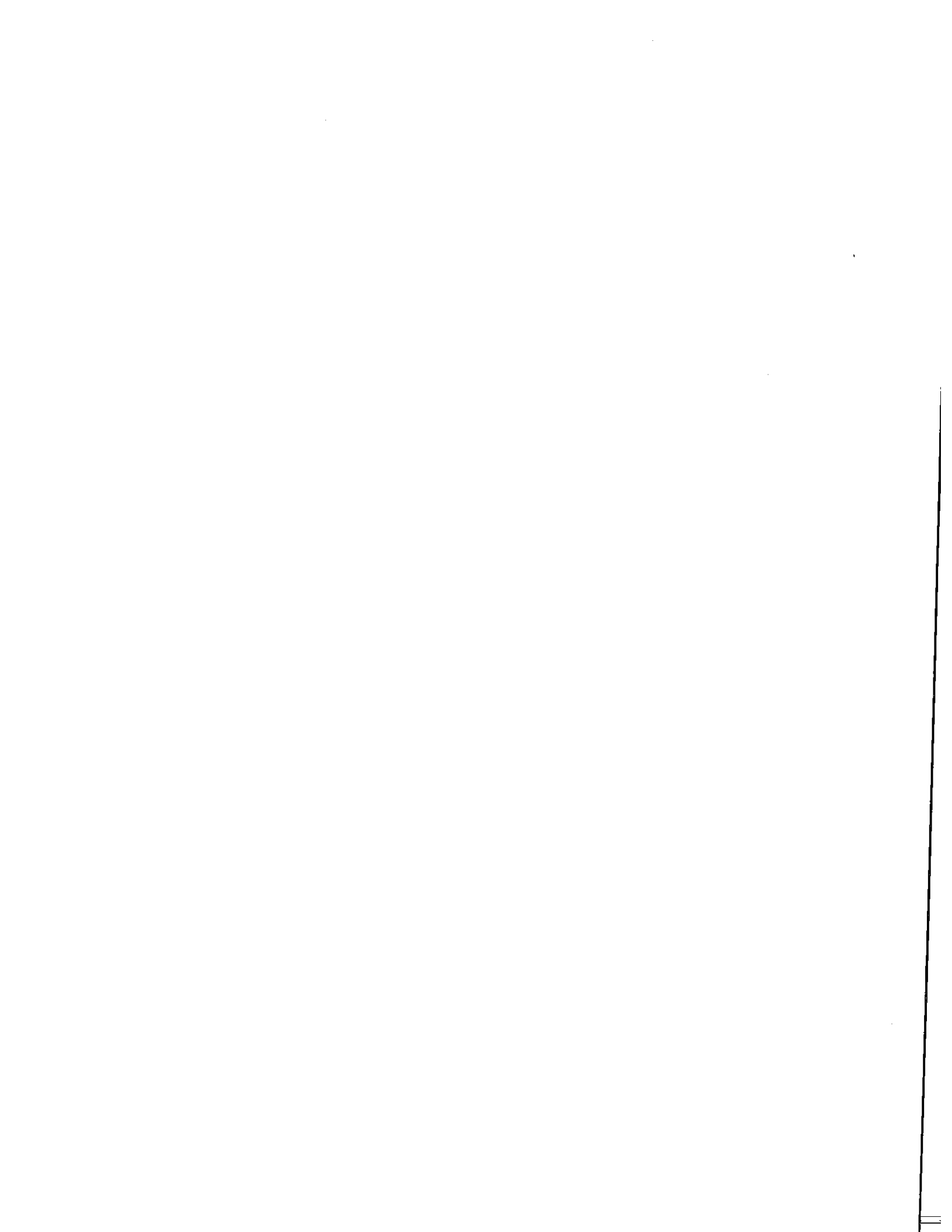


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Debra Brown

From: Commissioner Dallara
Sent: Friday, May 17, 2019 10:51 AM
To: Commissioner Crooks
Cc: Rodney Rose; Commissioner Lang; Debra Brown; Jim Kurtz; Kurt Karsten
Subject: Re: Meeting with Bedford County Commissioners

Rod, I completely agree with Commissioner Crooks, far too much time has been lost to date. Providing The Board of Commissioners a written update and a detailed explanation of the options that are viable that will move us forward expeditiously is needed. I too want to see this information prior to meeting.

Sent from my iPhone

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Good Morning Rodney

I would be willing to sit down with your team and discuss the issues , but prior to that discussion, I would like to see your proposals/options in writing so that I can study them. I would feel much more comfortable in making decisions.

Thanks

Paul

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Tuesday, May 14, 2019 4:49 PM
To: Commissioner Lang <clang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Debra Brown <DBrown@bedfordcountypa.org>
Cc: Jim Kurtz <jkurtz@reenergygroup.com>; Kurt Karsten <karstenlaw@gmail.com>
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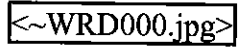
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Debra Brown

From: Commissioner Dallara
Sent: Thursday, May 23, 2019 11:01 AM
To: Larry Myers
Subject: Fwd: Meeting with Bedford County Commissioners

Larry, perhaps we could discuss this early next week.. I'm out of town till Sunday the 26th.

Sent from my iPhone

Begin forwarded message:

From: Rodney Rose <rrose@reenergygroup.com>
Date: May 21, 2019 at 2:45:02 PM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Cc: Commissioner Crooks <pcrooks@bedfordcountypa.org>, Commissioner Lang <jljang@bedfordcountypa.org>, Debra Brown <DBrown@bedfordcountypa.org>, Jim Kurtz <jkurtz@reenergygroup.com>, Kurt Karsten <karstenlaw@gmail.com>
Subject: Re: Meeting with Bedford County Commissioners

Commissioners Crooks, Dallara and Lang,

The following note details our work on interconnecting the Bedford County Jail Solar array and providing for the excess generation to service the Library, Courthouse and 911 Call Center for Bedford County.

There are three possible paths forward which we have been pursuing simultaneously to determine the best solution for the project:

PATH A) Interconnect the array to the BREC System, serve the jail's energy needs first with the solar energy and have BREC pay the County for any excess solar energy generation at or near the current retail rate, so that BREC could use that energy to service other customers in the BREC System.

PATH B) Pursue Interconnection to the PENELEC System through withdrawal of the Jail from the BREC system. This would allow all 4 of the meters in question to be remote net metered together, allowing for the system as originally designed, and savings calculations originally proposed to the Commissioners to be realized. Through research, conversations and available engineering reports we have found that the cost to interconnect the system to either BREC or PENELEC is similar (approx. \$190k for BREC and \$200K for PENELEC). Connecting to PENELEC would also require an added step of obtaining easements from the current PENELEC Lines to the Jail location (<1 mile).

PATH C) Build an array at the Jail sized to provide energy just for the Jail, and build a second array, at another location in the PENELEC Territory to offset the usage for the other sites. There would be additional costs to break the array into two fields, as there would be twice the permitting, engineering and 2x interconnections.

Progress on Path A)

We have been in conversations with BREC for several months on this path. Initially, Mr. Shoemaker was resistant to interconnecting the system to the Jail, even though we had paid for and received the

interconnection study from his own engineering team led by Ryan Young. Eventually, Mr. Shoemaker agreed that the system could be interconnected to service the Jail's energy needs. The sticking point here is that the excess energy produced would need to be purchased by Allegheny Electric Cooperative, of which BREC is a Member. Even though, as stated above, BREC could use the energy to service other customers, their agreement with Allegheny requires that the excess production be purchased by Allegheny Coop.

Mr. Shoemaker put us in contact with Ben Ricci from Allegheny Coop. We discussed the situation with Allegheny in Early February and they asked us to put together a business case for them purchasing the energy from the Bedford Jail Array. In two weeks we had a follow up meeting with Mr. Ricci and several members of his engineering team and financial team. We believed our case was compelling and made strong business sense that the energy produced could be purchased at the contracted PPA rate for the Jail and the other 3 locations, and Allegheny would still be able to make money from the energy selling it to their members at retail rates. For this to work, Allegheny would need to agree to purchase the overproduction at approximately the same or better price than the rates as the Bedford Co. Jail PPA Rates (\$.064/kWh). As Allegheny / BREC were able to sell this energy to customers in the BREC network for between \$.095 and \$.105 per kWh, we felt there was still a substantial profit margin that Allegheny would be able to make, thus making this proposal solid in a business sense for Allegheny / BREC.

However, Allegheny did not respond to our proposal, continually postponing follow up meeting and teleconference requests and letting us know they were still working on their internal analysis. Finally, after emails from Jim Kurtz (RER's CEO) and Mike Barnes (RER's COO), Mr. Ricci responded with the following email on May 14th (3 Months after our initial requests for review).

Hi Jim:

Here is the pricing that Allegheny EC will offer the 1.29 MW Bedford County jail project:

Allegheny purchases 100% allowable energy output (1 MW) with a capacity pass through for a fixed, 10-year term: \$22.58/MWh. This scenario reflects the Bedford REC Policy Bulletin A-72R (included in the Power System Engineering, Inc. "System Impact and Facilities Study" as "Exhibit V") of not net metering generators larger than 100 kW. In addition, Allegheny has limits on the amount of energy it can purchase (up to 1 MW).

Please let me know if you would like to discuss this further with the Allegheny team. Thanks.

Ben

Ben Ricci

*Manager, Alternative Energy and Competitive Markets
Allegheny Electric Cooperative
Penna. Rural Electric Association*

As you can see, the Allegheny Coop did not come anywhere close to the price we had articulated that was needed to make the project savings for the county work financially with the PPA agreement (a difference of \$.04142/ kWh from what they offered vs what would be needed). Furthermore, they would only commit to this pricing for a 10 year period for this pricing. Our PPA Agreement, which we made them aware of was for 25 years.

While we were hopeful that this path forward could work, especially given the business case and financial benefit to Allegheny / BREC, it appears in the pricing offer of Mr. Ricci that they are not

interested in working with Bedford County to realize this project in any meaningful way to help the County. It appears that PATH A has hit a crossroads that unless, BREC or Allegheny agree to alter their pricing, will not work moving forward.

PROGRESS ON PATH B)

While working with BREC /Allegheny on the above option, our Engineering and Operations team have also been working with PENELEC to see what the process would be if we were to pursue a path of connecting directly with PENELEC.

If this path were to be accomplished, the excess energy produced by the solar array at the Jail could be used to remote net meter the other Bedford County properties. Andrew Biederman from our Operations Team has discussed the project with PENELEC representative Tim Frye, and they have determined that PENELEC could connect an array at the Jail, provided that a few items were able to be accomplished:

- 1) Property easements would need to be obtained to run lines from the existing PENELEC Lines to the Jail. This distance runs < 1 Mile and those easements would be necessary for all owners where the lines cross.
- 2) Bedford County would need to voluntarily request to withdraw the Jail from the Bedford Rural Electric Coop membership, and request new service installation from PENELEC.
- 3) RER would then file a remote net metering application with PENELEC to service all of the Bedford County property's identified in the PPA.

Some questions we would need to clarify before moving on this path:

- a) What is the existing contract with BREC and the County for the Jail location and what are the necessary processes and procedures to withdraw the Jail from BREC?
- b) What is the timing for PENELEC to connect (could this be done congruently?)
- c) Should BREC contest the withdraw, what would be the timing to request review from the Pennsylvania Public Utility Commission (PUC) asking them to mandate interconnection? We have ample evidence from the emails and conversations with Allegheny and BREC which show their reluctance to support the solar system, and the engineering study performed by BREC themselves to show that the interconnection is possible, and we feel that a PUC petition, if necessary, would ultimately be successful.

If the voluntarily withdraw is feasible for the County to Leave BREC and connect to PENELEC, the costs appear manageable for the interconnection and this path would allow for the system, as originally conceived, to be brought online.

The RER team believes this is a viable path worth pursuing for the County, if the Commissioners are in agreement.

PROGRESS ON PATH C)

This Option would involve splitting the array into two separate arrays. The original array would be downsized to just service the energy needs of the jail with little to no excess production. The Second Array would be located in PENELEC Territory, and would Remote net meter all of the other locations.

As Mr. Shoemaker and his team have confirmed, they would be able to connect an array into BREC as long as it just serviced the Jail with no excess production to require Allegheny's purchase of energy. The remaining energy needs for the properties would be serviced by another array in PENELEC territory.

We have spoken to Barb Diehl about potential property owned by the Borough that they would be willing to provide to the county for the project at a minimal lease cost. Several properties exist, but there would need to be alterations made to make them work. To service the approx. 750-800 kW Array, we would need 4-5 acres of space. Other requirements for another property are as follows;

- 1) Must have an Existing Meter with a "Meaningful Load" per the PENELEC and PUC Requirements.
- 2) Must be within 2 Sq. Miles of the Accounts it is remote metering (Courthouse, Library, 911 Center), per PA Remote Net Metering Laws.
- 3) Must be serviced by, or near, 3 Phase Electric Service.
- 4) Must be under control of the Account holder (Bedford County). A long term lease from the Borough, or other landowner for at least the term of the PPA (25yr) would suffice as long as the lease indicated the term was at or longer than the PPA agreement (Which Bedford Borough is willing to do).

We have explored the property at the Milburn Reservoir, which is no longer being used by the Borough due to the on-lining of the Todd Springs Reservoir. It met all of the above criteria, with the exception of having an existing meter. The PENELEC meter at Milburn Reservoir was deactivated in 2014. We would need to have that meter reactivated with a meaningful load used by the County in order to use the Milburn Property. Once that was done, we could construct the array at Milburn, interconnect at the reactivated meter, and remote the other locations.

The downside to this option is the cost of doing 2 separate interconnections, two separate engineering plans, permits etc. However, given current PA solar market conditions, we believe it would be feasible for the County if meaningful load could be established.

We would like to schedule face to face meetings with the commissioners to review the above options in the very near future. We would like to talk through the options and gauge the feelings of the Commissioners on what they feel is the most advantageous, viable and realistic for the citizens of Bedford County. Please let us know of any questions, and when would be the best time to meet to discuss the above.

Sincerely,

Rodney G. Rose, Esq.

Director of Business Development

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Paul

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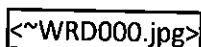
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ExchangeDefender Message Security: Check Authenticity

Debra Brown

From: Donald Schwartz
Sent: Thursday, June 6, 2019 1:27 PM
To: Commissioner Lang; Commissioner Crooks; Commissioner Dallara
Subject: Another Solar Field in Bedford Township?

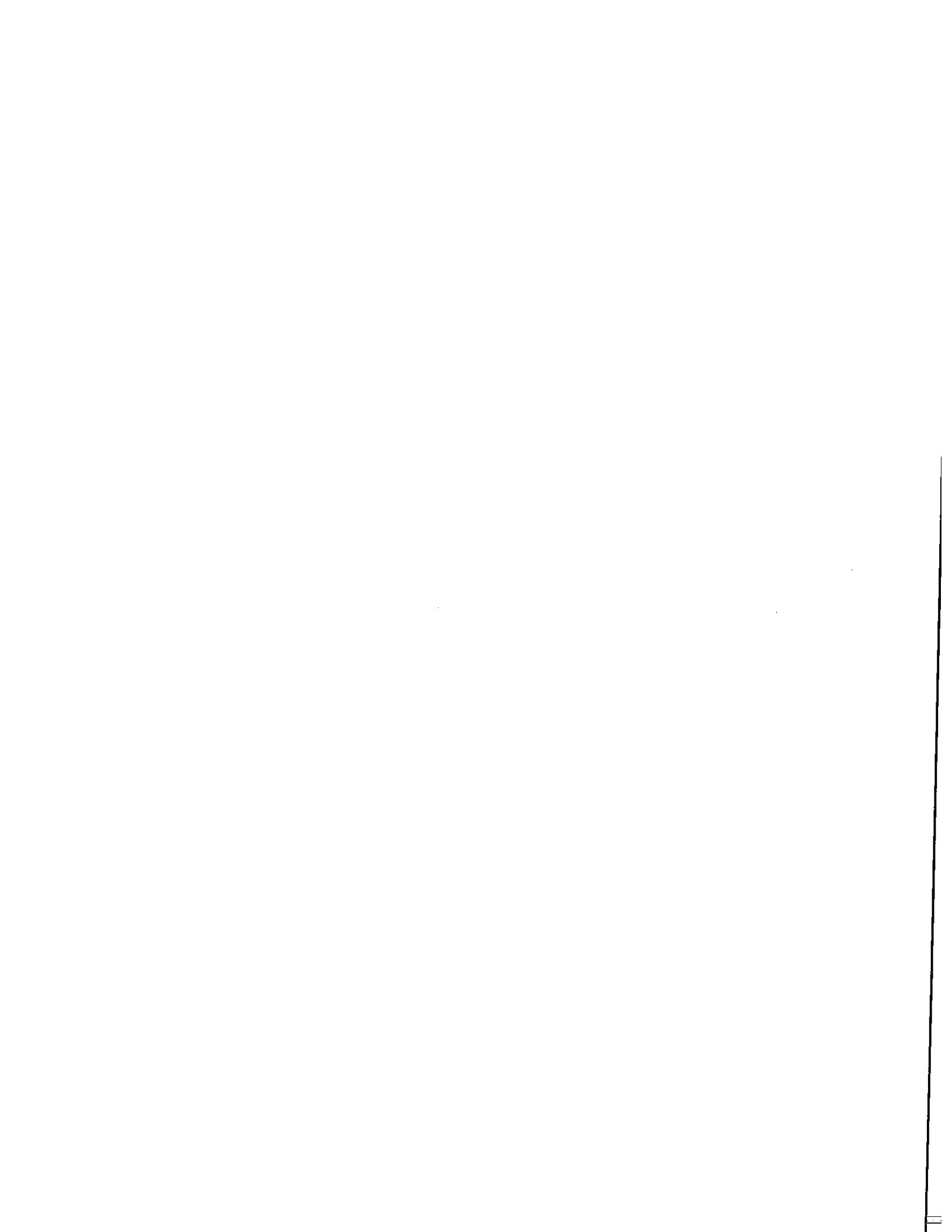
Commissioners,

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Don

Donald Schwartz
Director
Bedford County Planning Commission
200 S. Juliana Street
Bedford, PA 15522

(w) 814.623.4827
(c) 570.768.7552
(f) 814.623.5964



Debra Brown

From: Donald Schwartz
Sent: Thursday, June 6, 2019 1:29 PM
To: Bette Slayton
Subject: FW: Another Solar Field in Bedford Township?

Bette,

FYI below. Consider the acreage being discussed....impressive to say the least.

Don

From: Donald Schwartz
Sent: Thursday, June 06, 2019 1:27 PM
To: Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>;
Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: Another Solar Field in Bedford Township?

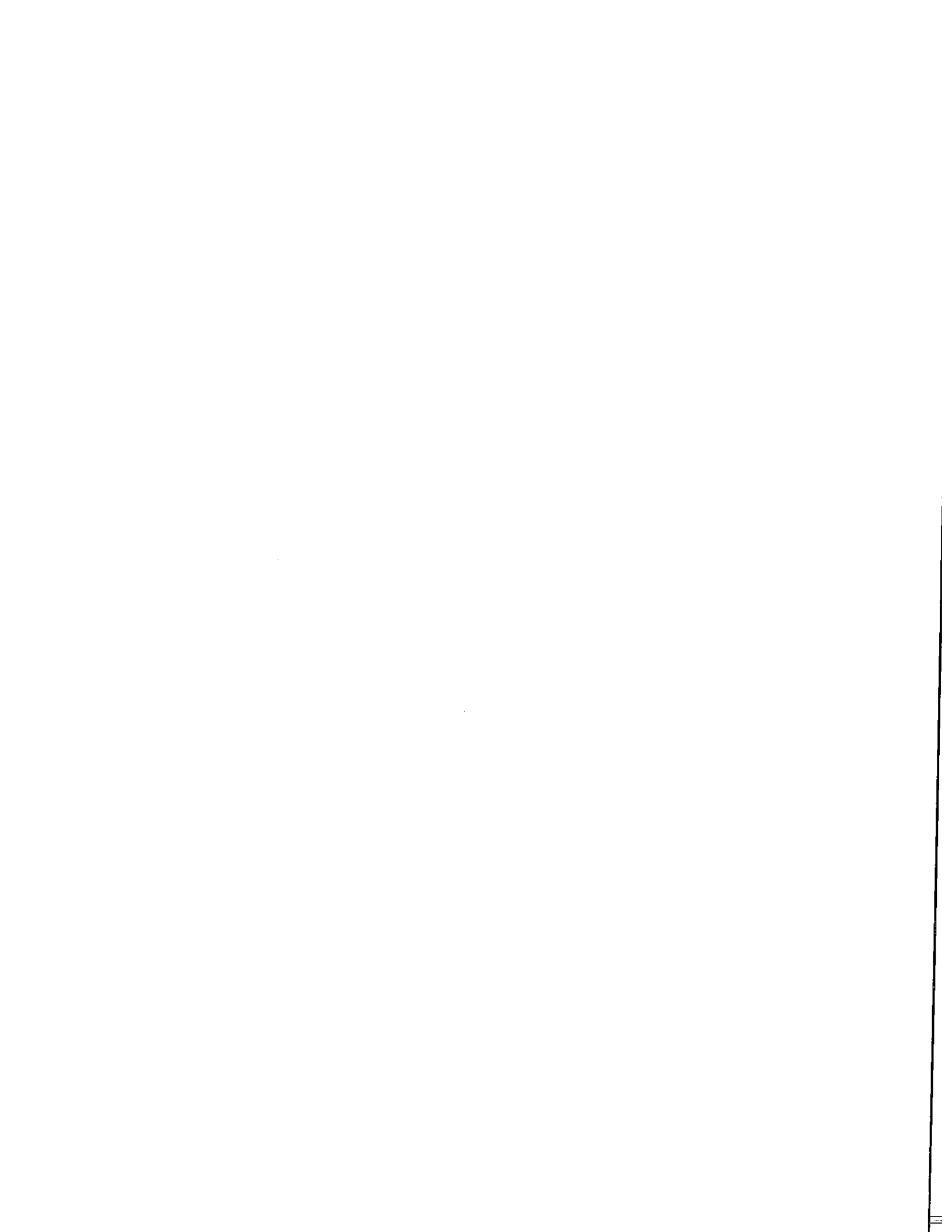
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Debra Brown

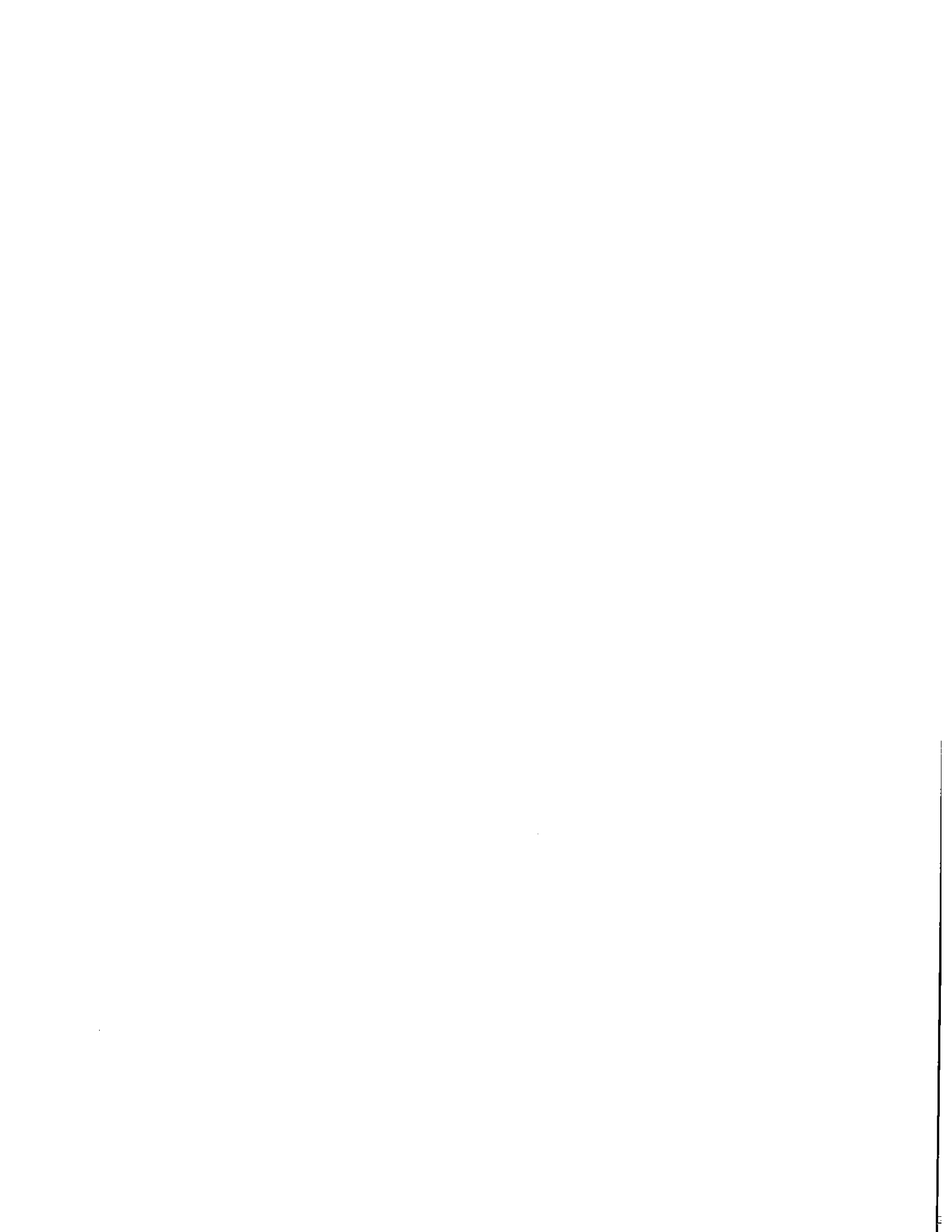
From: Debra Brown
Sent: Friday, June 7, 2019 7:43 AM
To: Rodney Rose; Linda Drei
Subject: Invoice for the Solar Ground Breaking
Attachments: Soaring Eagle Invoice.PDF

To Both:

This was sent to you back when the groundbreaking was held. Please respond to the payment as soon as possible. Thank you.

Debra

Debra K. Brown/Chief Clerk
Bedford County Commissioners
200 South Juliana Street
Bedford, PA 15522
814-623-4807
www.bedfordcountypa.org



Debra Brown

From: Donald Schwartz
Sent: Friday, June 7, 2019 4:15 PM
To: Bette Slayton; Debra Brown; Wendy Melius; Joyce Hillegass
Cc: Commissioner Lang; Melanie Miller
Subject: RE: Meeting

Me too.

Don

From: Bette Slayton [mailto:bslayton@bcda.org]
Sent: Friday, June 07, 2019 3:07 PM
To: Debra Brown <DBrown@bedfordcountypa.org>; Donald Schwartz <dschwartz@bedfordcountypa.org>; Wendy Melius <wmelius@ccaofpa.org>; Joyce Hillegass <jhillegass@bedfordcountypa.org>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>; Melanie Miller <mmiller@bcda.org>
Subject: RE: Meeting

Both are open for me.

Bette

From: Debra Brown <DBrown@bedfordcountypa.org>
Sent: Friday, June 07, 2019 3:02 PM
To: Donald Schwartz <dschwartz@bedfordcountypa.org>; Bette Slayton <bslayton@bcda.org>; Wendy Melius <wmelius@ccaofpa.org>; Joyce Hillegass <jhillegass@bedfordcountypa.org>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>
Subject: Meeting
Importance: High

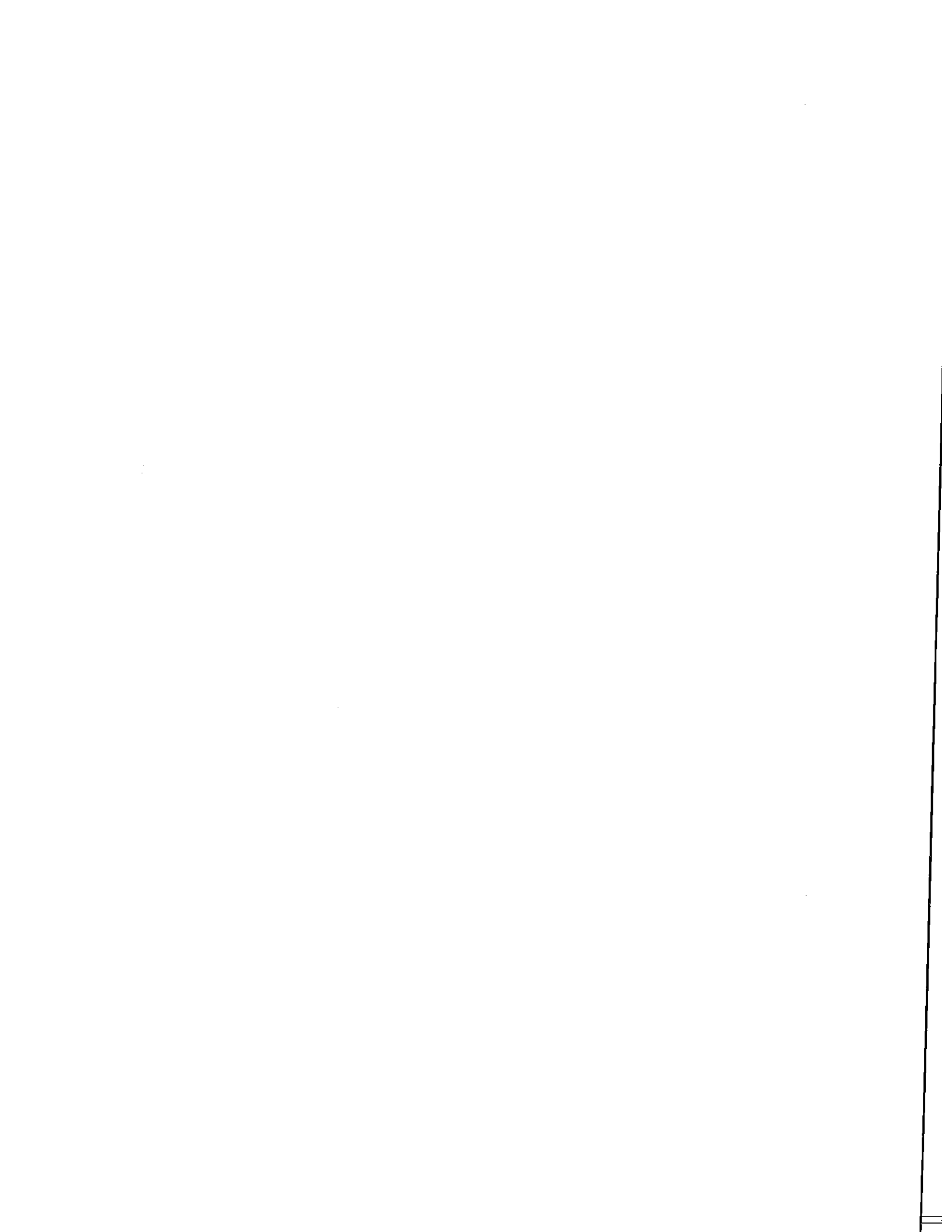
To All:

Could you please let me know what your availability is on one of the following dates June 21 or June 25 for a lunch meeting with Holly Edinger of Sustainable Energy Fund and Commissioner Lang to discuss the County's GESA program, Solar PV, and PA C-PACE.

Deb

Debra K. Brown/Chief Clerk
Bedford County Commissioners
200 South Juliana Street
Bedford, PA 15522
814-623-4807
www.bedfordcountypa.org

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Debra Brown

From: Commissioner Dallara
Sent: Tuesday, June 11, 2019 3:36 PM
To: Rodney Rose
Cc: Commissioner Crooks; Commissioner Lang; Debra Brown; Jim Kurtz; Kurt Karsten
Subject: Re: Meeting with Bedford County Commissioners

Rod, I realize it's been some time since you sent us the email outlining the three paths, (options) you see as possibilities for the county to advance the project. My choice would be option 2. As I indicated during our phone conversation approximately 2 weeks ago our schedules would probably facilitate a meeting next week. Please coordinate with our chief clerk to set up a meeting with the 3 commissioners to determine how best to move forward.

Sent from my iPhone

On May 21, 2019, at 2:55 PM, Rodney Rose <rrose@reenergygroup.com> wrote:

Commissioners Crooks, Dallara and Lang,

The following note details our work on interconnecting the Bedford County Jail Solar array and providing for the excess generation to service the Library, Courthouse and 911 Call Center for Bedford County.

There are three possible paths forward which we have been pursuing simultaneously to determine the best solution for the project:

PATH A) Interconnect the array to the BREC System, serve the jail's energy needs first with the solar energy and have BREC pay the County for any excess solar energy generation at or near the current retail rate, so that BREC could use that energy to service other customers in the BREC System.

PATH B) Pursue Interconnection to the PENELEC System through withdrawal of the Jail from the BREC system. This would allow all 4 of the meters in question to be remote net metered together, allowing for the system as originally designed, and savings calculations originally proposed to the Commissioners to be realized. Through research, conversations and available engineering reports we have found that the cost to interconnect the system to either BREC or PENELEC is similar (approx. \$190k for BREC and \$200k for PENELEC). Connecting to PENELEC would also require an added step of obtaining easements from the current PENELEC Lines to the Jail location (<1 mile).

PATH C) Build an array at the Jail sized to provide energy just for the Jail, and build a second array, at another location in the PENELEC Territory to offset the usage for the other sites. There would be additional costs to break the array into two fields, as there would be twice the permitting, engineering and 2x interconnections.

Progress on Path A)

We have been in conversations with BREC for several months on this path. Initially, Mr. Shoemaker was resistant to interconnecting the system to the Jail, even though we had paid for and received the interconnection study from his own engineering team led by Ryan Young. Eventually, Mr. Shoemaker agreed that the system could be interconnected to service the Jail's energy needs. The sticking point here is that the excess energy produced would need to be purchased by Allegheny Electric Cooperative, of which BREC is a Member. Even though, as stated above, BREC could use the energy to service other

customers, their agreement with Allegheny requires that the excess production be purchased by Allegheny Coop.

Mr. Shoemaker put us in contact with Ben Ricci from Allegheny Coop. We discussed the situation with Allegheny in Early February and they asked us to put together a business case for them purchasing the energy from the Bedford Jail Array. In two weeks we had a follow up meeting with Mr. Ricci and several members of his engineering team and financial team. We believed our case was compelling and made strong business sense that the energy produced could be purchased at the contracted PPA rate for the Jail and the other 3 locations, and Allegheny would still be able to make money from the energy selling it to their members at retail rates. For this to work, Allegheny would need to agree to purchase the overproduction at approximately the same or better price than the rates as the Bedford Co. Jail PPA Rates (\$.064/kWh). As Allegheny / BREC were able to sell this energy to customers in the BREC network for between \$.095 and \$.105 per kWh, we felt there was still a substantial profit margin that Allegheny would be able to make, thus making this proposal solid in a business sense for Allegheny / BREC.

However, Allegheny did not respond to our proposal, continually postponing follow up meeting and teleconference requests and letting us know they were still working on their internal analysis. Finally, after emails from Jim Kurtz (RER's CEO) and Mike Barnes (RER's COO), Mr. Ricci responded with the following email on May 14th (3 Months after our initial requests for review).

Hi Jim:

Here is the pricing that Allegheny EC will offer the 1.29 MW Bedford County jail project:

Allegheny purchases 100% allowable energy output (1 MW) with a capacity pass through for a fixed, 10-year term: \$22.58/MWh. This scenario reflects the Bedford REC Policy Bulletin A-72R (included in the Power System Engineering, Inc. "System Impact and Facilities Study" as "Exhibit V") of not net metering generators larger than 100 kW. In addition, Allegheny has limits on the amount of energy it can purchase (up to 1 MW).

Please let me know if you would like to discuss this further with the Allegheny team. Thanks.

Ben

*Ben Ricci
Manager, Alternative Energy and Competitive Markets
Allegheny Electric Cooperative
Penna. Rural Electric Association*

As you can see, the Allegheny Coop did not come anywhere close to the price we had articulated that was needed to make the project savings for the county work financially with the PPA agreement (a difference of \$.04142/ kWh from what they offered vs what would be needed). Furthermore, they would only commit to this pricing for a 10 year period for this pricing. Our PPA Agreement, which we made them aware of was for 25 years.

While we were hopeful that this path forward could work, especially given the business case and financial benefit to Allegheny / BREC, it appears in the pricing offer of Mr. Ricci that they are not interested in working with Bedford County to realize this project in any meaningful way to help the County. It appears that PATH A has hit a crossroads that unless, BREC or Allegheny agree to alter their pricing, will not work moving forward.

PROGRESS ON PATH B)

While working with BREC /Allegheny on the above option, our Engineering and Operations team have also been working with PENELEC to see what the process would be if we were to pursue a path of connecting directly with PENELEC.

If this path were to be accomplished, the excess energy produced by the solar array at the Jail could be used to remote net meter the other Bedford County properties. Andrew Biederman from our Operations Team has discussed the project with PENELEC representative Tim Frye, and they have determined that PENELEC could connect an array at the Jail, provided that a few items were able to be accomplished:

- 1) Property easements would need to be obtained to run lines from the existing PENELEC Lines to the Jail. This distance runs < 1 Mile and those easements would be necessary for all owners where the lines cross.
- 2) Bedford County would need to voluntarily request to withdraw the Jail from the Bedford Rural Electric Coop membership, and request new service installation from PENELEC.
- 3) RER would then file a remote net metering application with PENELEC to service all of the Bedford County property's identified in the PPA.

Some questions we would need to clarify before moving on this path:

- a) What is the existing contract with BREC and the County for the Jail location and what are the necessary processes and procedures to withdraw the Jail from BREC?
- b) What is the timing for PENELEC to connect (could this be done congruently?)
- c) Should BREC contest the withdraw, what would be the timing to request review from the Pennsylvania Public Utility Commission (PUC) asking them to mandate interconnection? We have ample evidence from the emails and conversations with Allegheny and BREC which show their reluctance to support the solar system, and the engineering study performed by BREC themselves to show that the interconnection is possible, and we feel that a PUC petition, if necessary, would ultimately be successful.

If the voluntarily withdraw is feasible for the County to Leave BREC and connect to PENELEC, the costs appear manageable for the interconnection and this path would allow for the system, as originally conceived, to be brought online.

The RER team believes this is a viable path worth pursuing for the County, if the Commissioners are in agreement.

PROGRESS ON PATH C)

This Option would involve splitting the array into two separate arrays. The original array would be downsized to just service the energy needs of the jail with little to no excess production. The Second Array would be located in PENELEC Territory, and would Remote net meter all of the other locations.

As Mr. Shoemaker and his team have confirmed, they would be able to connect an array into BREC as long as it just serviced the Jail with no excess production to require Allegheny's purchase of energy. The remaining energy needs for the properties would be serviced by another array in PENELEC territory.

We have spoken to Barb Diehl about potential property owned by the Borough that they would be willing to provide to the county for the project at a minimal lease cost. Several properties exist, but

there would need to be alterations made to make them work. To service the approx. 750-800 kW Array, we would need 4-5 acres of space. Other requirements for another property are as follows;

- 1) Must have an Existing Meter with a "Meaningful Load" per the PENELEC and PUC Requirements.
- 2) Must be within 2 Sq. Miles of the Accounts it is remote metering (Courthouse, Library, 911 Center), per PA Remote Net Metering Laws.
- 3) Must be serviced by, or near, 3 Phase Electric Service.
- 4) Must be under control of the Account holder (Bedford County). A long term lease from the Borough, or other landowner for at least the term of the PPA (25yr) would suffice as long as the lease indicated the term was at or longer than the PPA agreement (Which Bedford Borough is willing to do).

We have explored the property at the Milburn Reservoir, which is no longer being used by the Borough due to the on-lining of the Todd Springs Reservoir. It met all of the above criteria, with the exception of having an existing meter. The PENELEC meter at Milburn Reservoir was deactivated in 2014. We would need to have that meter reactivated with a meaningful load used by the County in order to use the Milburn Property. Once that was done, we could construct the array at Milburn, interconnect at the reactivated meter, and remote the other locations.

The downside to this option is the cost of doing 2 separate interconnections, two separate engineering plans, permits etc. However, given current PA solar market conditions, we believe it would be feasible for the County if meaningful load could be established.

We would like to schedule face to face meetings with the commissioners to review the above options in the very near future. We would like to talk through the options and gauge the feelings of the Commissioners on what they feel is the most advantageous, viable and realistic for the citizens of Bedford County. Please let us know of any questions, and when would be the best time to meet to discuss the above.

Sincerely,

Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)

rrose@rerenergygroup.com | www.rerenergygroup.com



[Learn More About RER in this Short Video](#)



Named one of the nation's fastest growing private companies for the third consecutive year.



On Fri, May 17, 2019 at 10:51 AM Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

Rod, I completely agree with Commissioner Crooks, far too much time has been lost to date. Providing The Board of Commissioners a written update and a detailed explanation of the options that are viable that will move us forward expeditiously is needed. I too want to see this information prior to meeting.

Sent from my iPhone

On May 17, 2019, at 10:14 AM, Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

Good Morning Rodney

I would be willing to sit down with your team and discuss the issues , but prior to that discussion, I would like to see your proposals/options in writing so that I can study them. I would feel much more comfortable in making decisions.

Thanks

Paul

From: Rodney Rose <rrose@reenergygroup.com>

Sent: Tuesday, May 14, 2019 4:49 PM

To: Commissioner Lang <jlant@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Debra Brown <DBrown@bedfordcountypa.org>

Cc: Jim Kurtz <jkurtz@reenergygroup.com>; Kurt Karsten <karstenlaw@gmail.com>

Subject: Meeting with Bedford County Commissioners

Gentlemen,

As mentioned during our last call, we have been working with both Pennelec and Allegheny Co-op / BREC on getting the Bedford County Jail Project to move forward. We have had multiple conversations with each entity, and have been waiting on feedback from Allegheny on our discussions.

We would like to meet with the Commissioners, possibly over lunch, to discuss the outcomes of these meetings and our strategy for moving forward with the project.

We would like your input and review of our proposed path forward before engaging in any next steps with the project. The RER Team of Jim Kurtz, Kurt Karsten and Myself would like to meet in Bedford to talk through the latest developments and get your feedback on our plan.

Please let us know when would be the best time / date to meet with all of you over the next week or two and we will see if we can make all schedules align.

Hope you all are doing well.

Rodney G. Rose, Esq.

Director of Business Development

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Debra Brown

From: Commissioner Dallara
Sent: Tuesday, June 11, 2019 4:23 PM
To: Rodney Rose
Subject: Re: Meeting with Bedford County Commissioners

Rod, Commissioner Crooks is here this week. Commissioner Lang is out till next week.

Sent from my iPhone

On Jun 11, 2019, at 4:15 PM, Rodney Rose <rrose@reenergygroup.com> wrote:

Thank you Commissioner Dallara. I have not yet heard back from Commissioner Lang, and remember that Commissioner Crooks is out of office this week. I will contact Ms. Brown in the morning to review schedules. We are reviewing the steps necessary to evaluate the Second Option with the staff at Penelec to determine time frames and processes associated with pursuing that path. Please let us know of any other questions or concerns you may have and I will coordinate with Ms. Brown.

Sincerely,

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Sincerely,

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Director of Business Development

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Thanks

Paul

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Tuesday, May 14, 2019 4:49 PM
To: Commissioner Lang <ilang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Debra Brown <DBrown@bedfordcountypa.org>
Cc: Jim Kurtz <jkurtz@reenergygroup.com>; Kurt Karsten <karstenlaw@gmail.com>
Subject: Meeting with Bedford County Commissioners

Gentlemen,

As mentioned during our last call, we have been working with both Pennelec and Allegheny Co-op / BREC on getting the Bedford County Jail Project to move forward. We have had multiple conversations with each entity, and have been waiting on feedback from Allegheny on our discussions.

We would like to meet with the Commissioners, possibly over lunch, to discuss the outcomes of these meetings and our strategy for moving forward with the project.

We would like your input and review of our proposed path forward before engaging in any next steps with the project. The RER Team of Jim Kurtz, Kurt Karsten and Myself would like to meet in Bedford to talk through the latest developments and get your feedback on our plan.

Please let us know when would be the best time / date to meet with all of you over the next week or two and we will see if we can make all schedules align.

Hope you all are doing well.

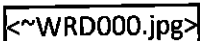

Rodney G. Rose, Esq.


Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com

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Named one of the nation's fastest growing private companies for the third consecutive year.



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Named one of the nation's fastest growing private companies for the fourth consecutive year.

**Inc.
50**

Debra Brown

From: Commissioner Crooks
Sent: Monday, June 17, 2019 8:50 AM
To: Commissioner Dallara; Commissioner Lang; Troy Nelson; Charwin Reichelderfer
Subject: RE: Request for Proposal - Day Treatment Center

Barry

I feel certain that someone else besides me has thought about this, but we better double check the final "Solar Panel" layout before we put out the request, there may not be much room for enlarging the jail and adding the Day Reporting Center.

Paul

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Thursday, June 13, 2019 3:33 PM
To: Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Troy Nelson <tnelson@bedfordcountypa.org>; Charwin Reichelderfer <creichelderfer@bedfordcountypa.org>
Subject: Fwd: Request for Proposal - Day Treatment Center

This is the latest draft of the RFP regarding the (DRTC) feasibility study. Emphasis on the word DRAFT. PLEASE FORWARD ANY CHANGES, CONCERNS OR ATA BOYS to Deb Brown. She will in turn update the draft and hopefully be able to approve it at the June 20 Prison Board Meeting.

Sent from my iPad

Begin forwarded message:

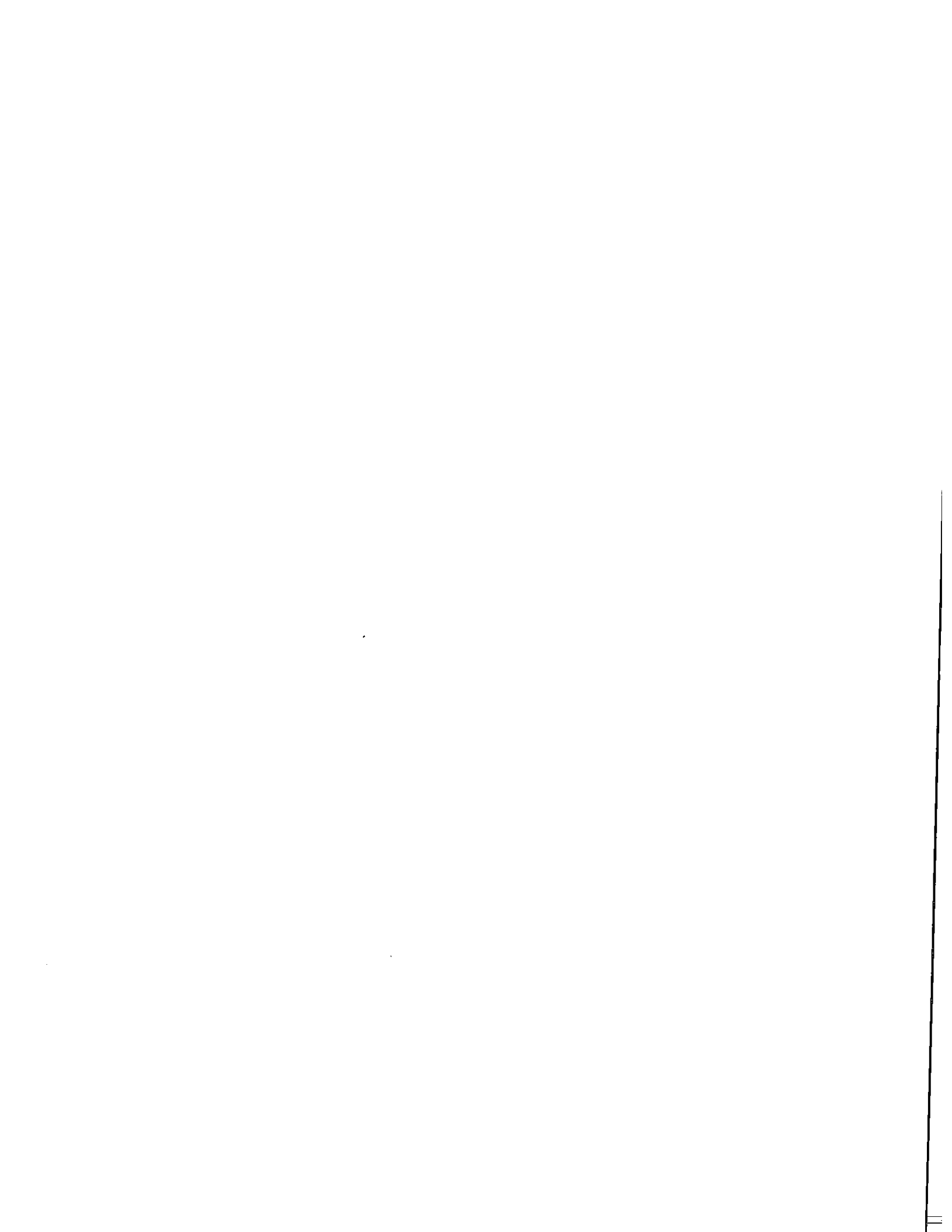
From: Debra Brown <DBrown@bedfordcountypa.org>
Date: June 13, 2019 at 3:02:57 PM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>, "Brandon Carson (bcarson@sapdc.org)" <bcarson@sapdc.org>, Lesley Childers <lchilders@bedfordcountypa.org>, "wkurtycz@hyndmanhealth.org" <wkurtycz@hyndmanhealth.org>
Subject: Request for Proposal - Day Treatment Center

To All:

Please see attached draft for the Day Treatment Center for your review.

Debra

Debra K. Brown/Chief Clerk
Bedford County Commissioners
200 South Juliana Street
Bedford, PA 15522
814-623-4807
www.bedfordcountypa.org



Debra Brown

From: Commissioner Dallara
Sent: Monday, June 17, 2019 9:01 AM
To: Commissioner Crooks
Cc: Commissioner Lang; Troy Nelson; Charwin Reichelderfer
Subject: Re: Request for Proposal - Day Treatment Center

Paul, yes I recognize the need to take into account for the solar project location as we conduct the DRTC Feasibility Study. Hopefully by September we will be able to award a contract to conduct the feasibility study. This is the type of issue the study should provide answers to, and by then let's hope we have many more answers to the solar project than we do today.

Sent from my iPhone

On Jun 17, 2019, at 8:49 AM, Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

Barry

I feel certain that someone else besides me has thought about this, but we better double check the final "Solar Panel" layout before we put out the request, there may not be much room for enlarging the jail and adding the Day Reporting Center.

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Sent: Thursday, June 13, 2019 3:33 PM
To: Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Lang <jl原因@bedfordcountypa.org>; Troy Nelson <Tnelson@bedfordcountypa.org>; Charwin Reichelderfer <creichelderfer@bedfordcountypa.org>
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Debra K. Brown/Chief Clerk
Bedford County Commissioners
200 South Juliana Street
Bedford, PA 15522
814-623-4807
www.bedfordcountypa.org

Debra Brown

Subject: RER Energy Group Meeting
Location: Tillie's at Omni Bedford Springs

Start: Fri 6/28/2019 1:00 PM
End: Fri 6/28/2019 2:00 PM

Recurrence: (none)

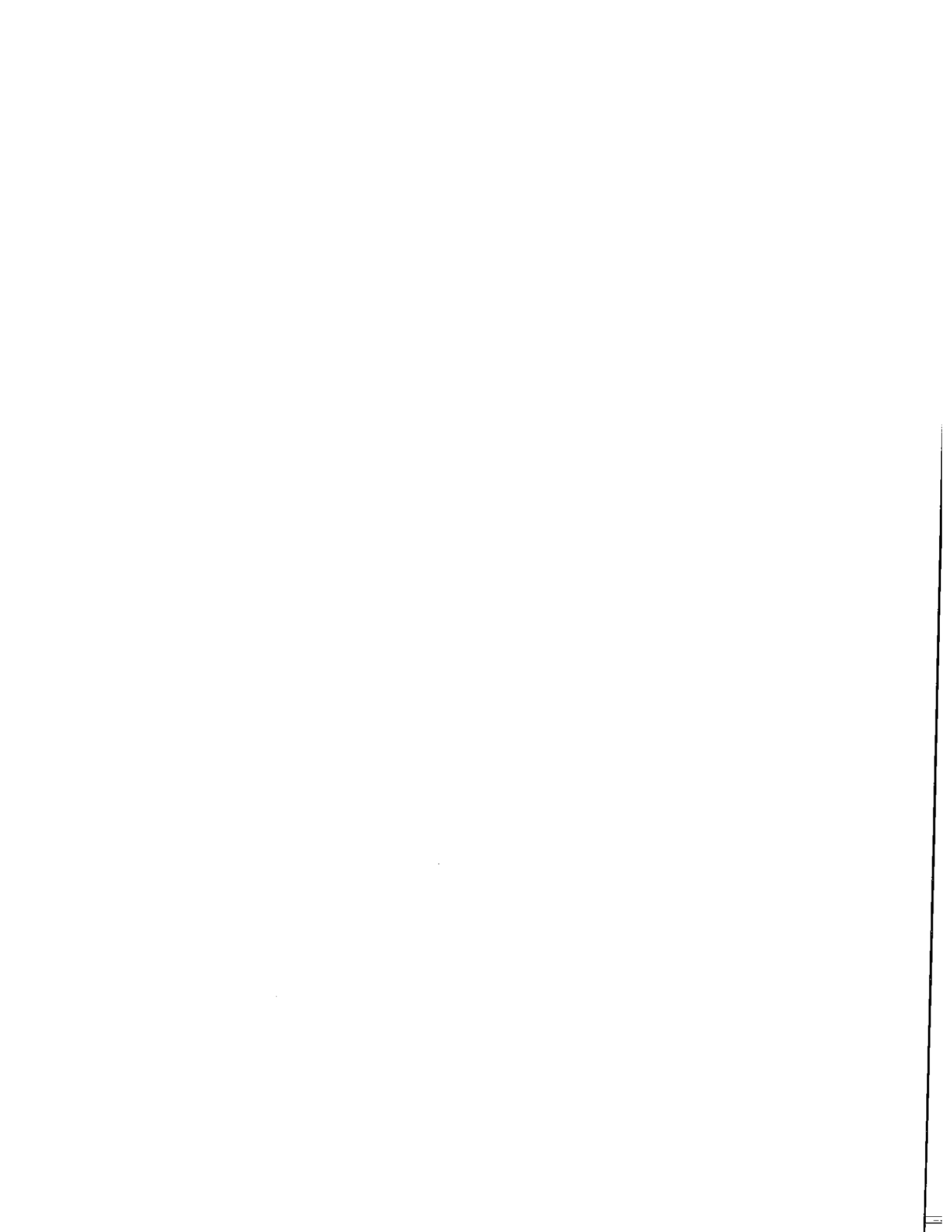
Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Dallara; Commissioner Crooks;
rrrose@reenergygroup.com

Mr. Rose:

If you need directions, please let me know and I will provide them for you.

Deb



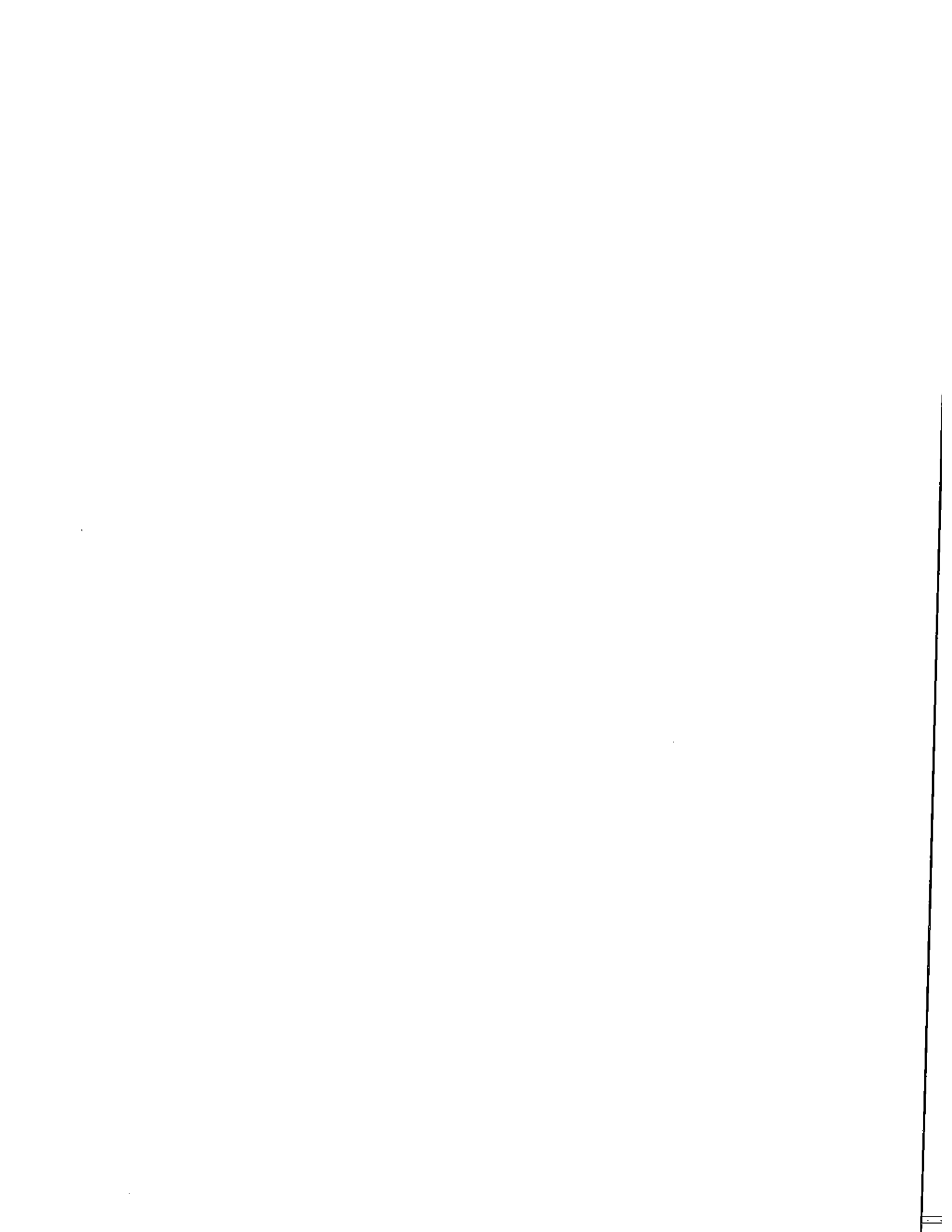
Debra Brown

From: Commissioner Dallara
Sent: Tuesday, June 18, 2019 5:57 PM
To: Debra Brown
Subject: Accepted: RER Energy Group Meeting



Debra Brown

From: Commissioner Dallara
Sent: Tuesday, June 18, 2019 5:57 PM
To: Debra Brown
Subject: Accepted: RER Energy Group Meeting



Debra Brown

Subject: Invitation: Meeting - Bedford County Commissioners & RER Energy Group @ Fri Jun 28, 2019 1pm - 2pm (EDT) (bdallara@bedfordcountypa.org)
Location: Tillie's at the Clubhouse, 2138 US-220 BUS, Bedford, PA 15522, USA
Start: Fri 6/28/2019 1:00 PM
End: Fri 6/28/2019 2:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: rrose@rerenergygroup.com

You have been invited to the following event.

[more details »](#)

Meeting - Bedford County Commissioners & RER Energy Group

When Fri Jun 28, 2019 1pm – 2pm Eastern Time - New York
Where Tillie's at the Clubhouse, 2138 US-220 BUS, Bedford, PA 15522, USA ([map](#))
Joining info meet.google.com/mdn-yniv-vde
Or dial: +1 413-248-8748 PIN: 271909383#
Calendar bdallara@bedfordcountypa.org
Who

- rrose@rerenergygroup.com - organizer
- pcrooks@bedfordcountypa.org
- Jim Kurtz
- karstenlaw@gmail.com
- mbarnes@rerenergygroup.com
- bdallara@bedfordcountypa.org
- jlang@bedfordcountypa.org

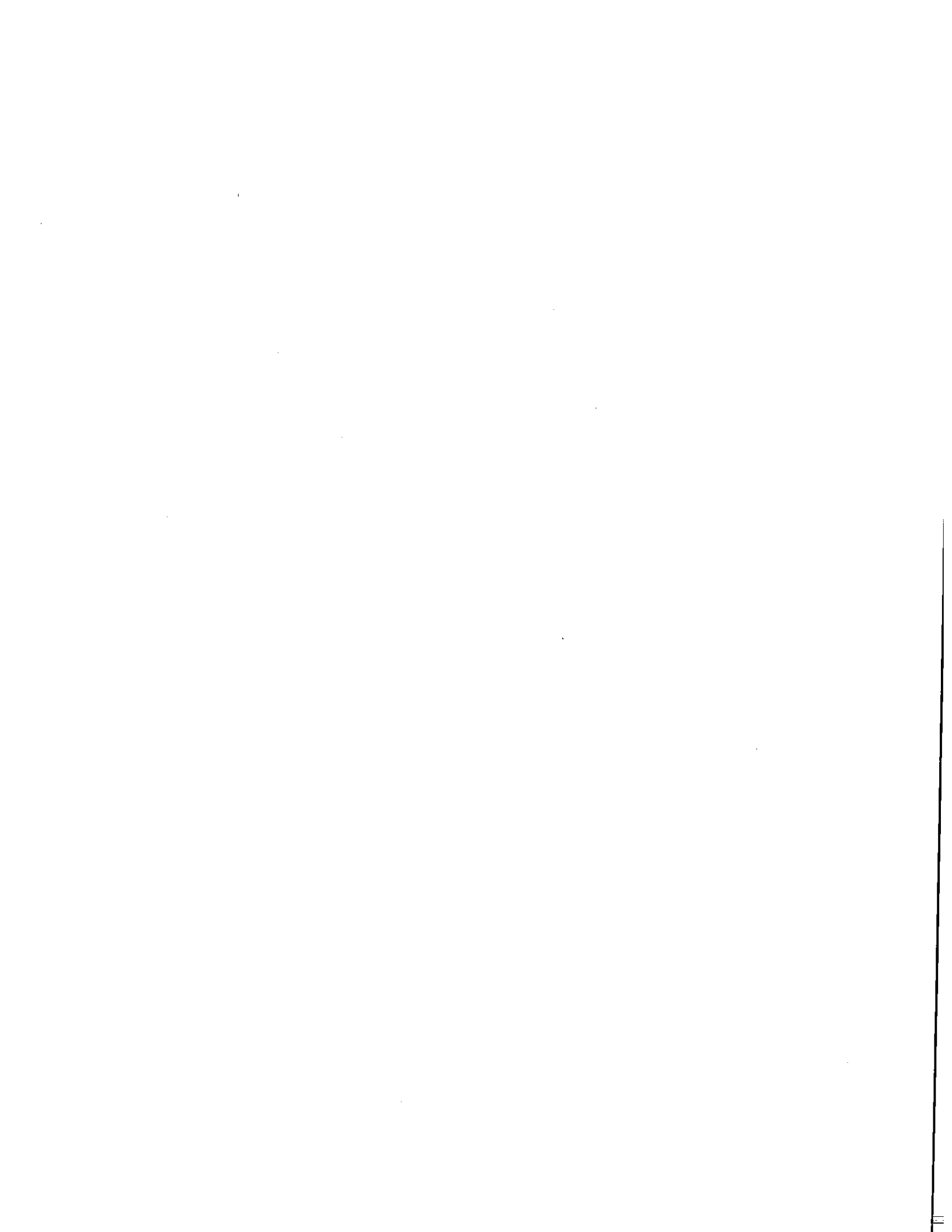
Update Discussion on Bedford Jail Solar Project Options.
Going (bdallara@bedfordcountypa.org)? **Yes - Maybe - No more options »**

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account bdallara@bedfordcountypa.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More](#).

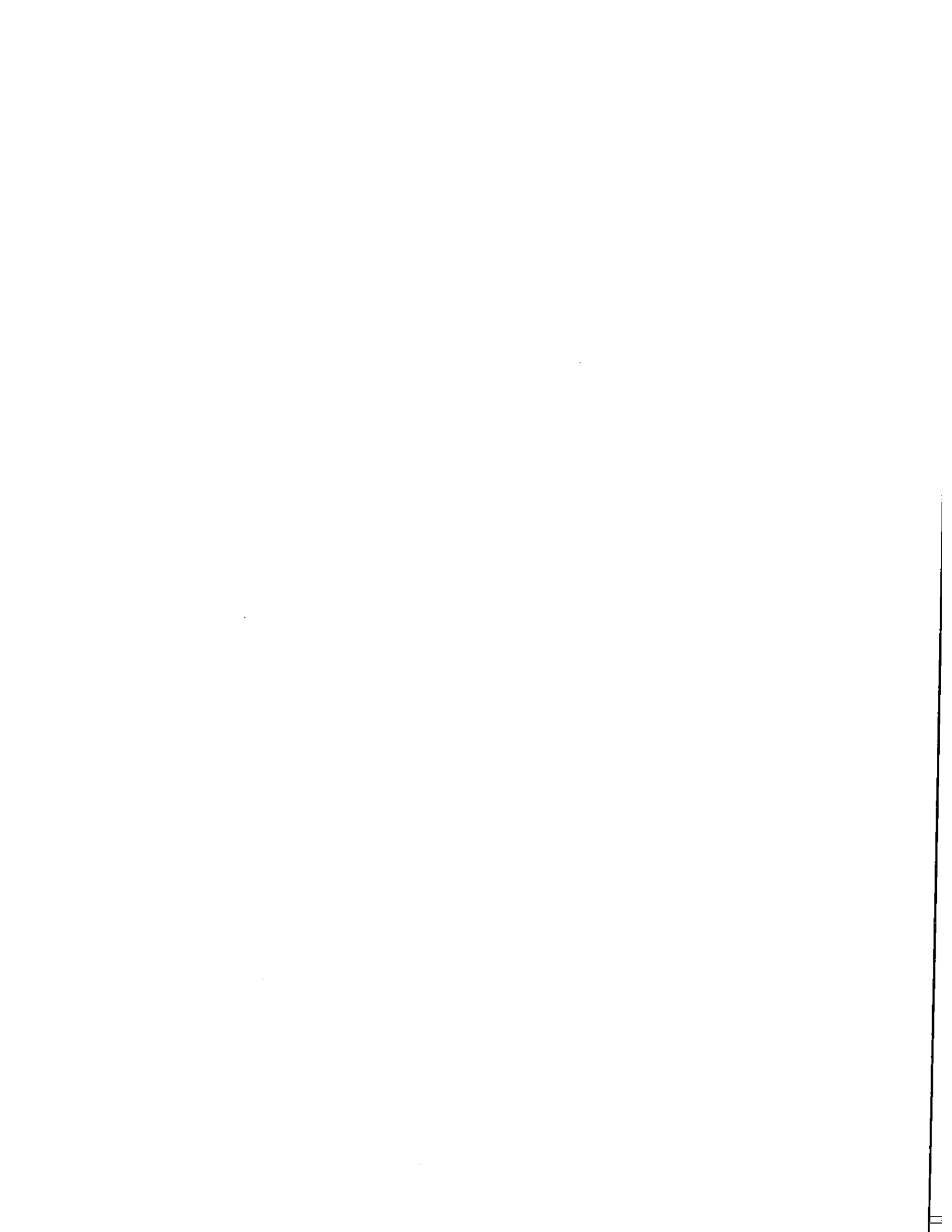


Debra Brown

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Monday, June 24, 2019 9:12 PM
To: Debra Brown
Subject: Contract with BREC for the Jail.

Follow Up Flag: Follow up
Flag Status: Flagged

Deb, is there a contract that you have from BREC for the account at jail? Some electric company's call this a subscription notice. We are unable to find one online which articulates the terms and length of the agreement. If you have this, would you please email me so I review. Thank you in advance.



Debra Brown

From: Debra Brown
Sent: Monday, June 24, 2019 11:17 PM
To: Cindy Moore
Cc: Angie Ferguson
Subject: FW: Contract with BREC for the Jail.

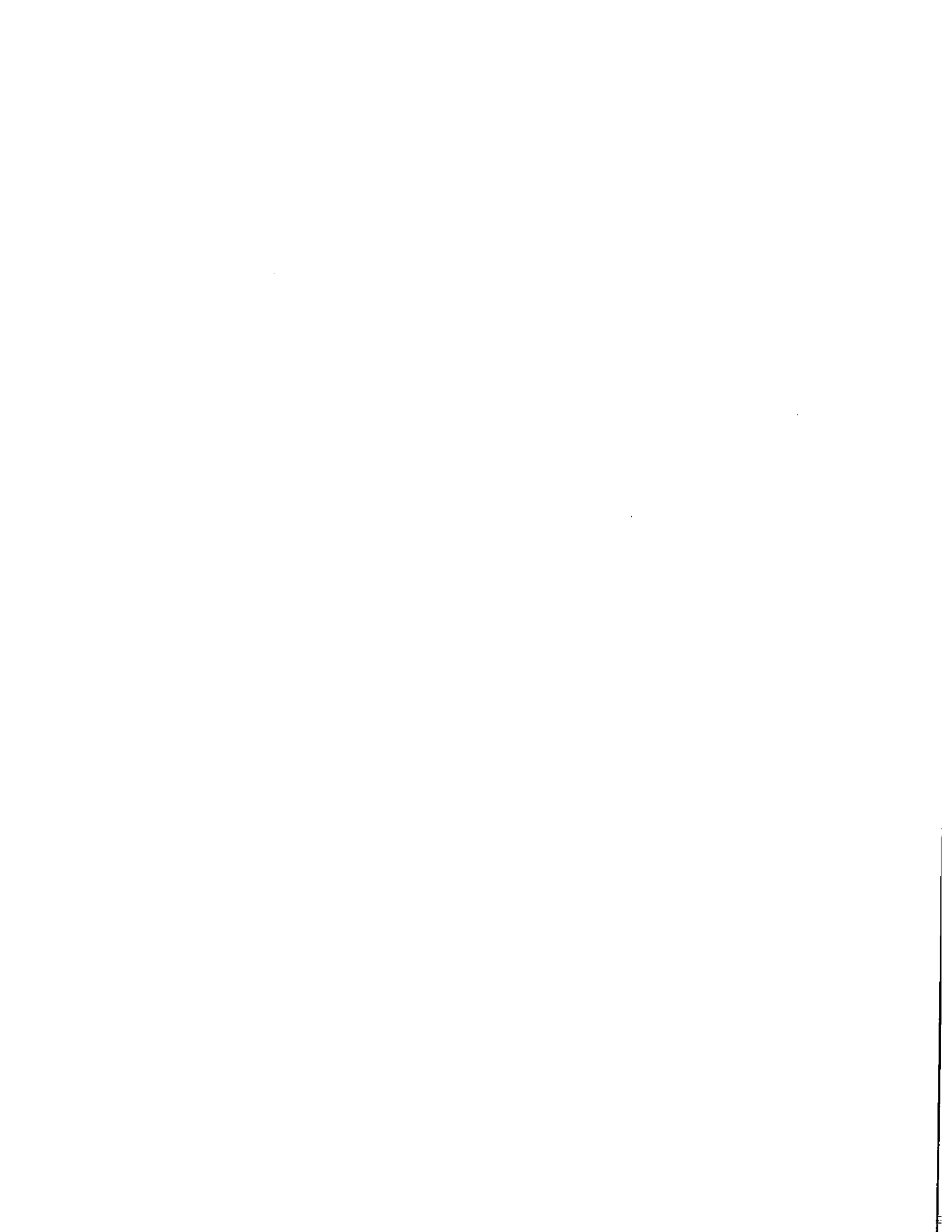
Cindy,

Do you know of such an agreement? I do not recall ever seeing one. If so, would you scan a copy for Mr. Rose and cc me, thanks.

Deb

From: Rodney Rose [rose@rerenergygroup.com]
Sent: Monday, June 24, 2019 9:11 PM
To: Debra Brown
Subject: Contract with BREC for the Jail.

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Debra Brown

From: Cindy Moore
Sent: Tuesday, June 25, 2019 10:36 AM
To: Debra Brown
Cc: rrose@rerenergygroup.com
Subject: RE: Contract with BREC for the Jail.

Finance does not have anything.

Thanks
Cindy

-----Original Message-----

From: Debra Brown <DBrown@bedfordcountypa.org>
Sent: Monday, June 24, 2019 11:17 PM
To: Cindy Moore <Cmoore@bedfordcountypa.org>
Cc: Angie Ferguson <Aferguson@bedfordcountypa.org>
Subject: FW: Contract with BREC for the Jail.

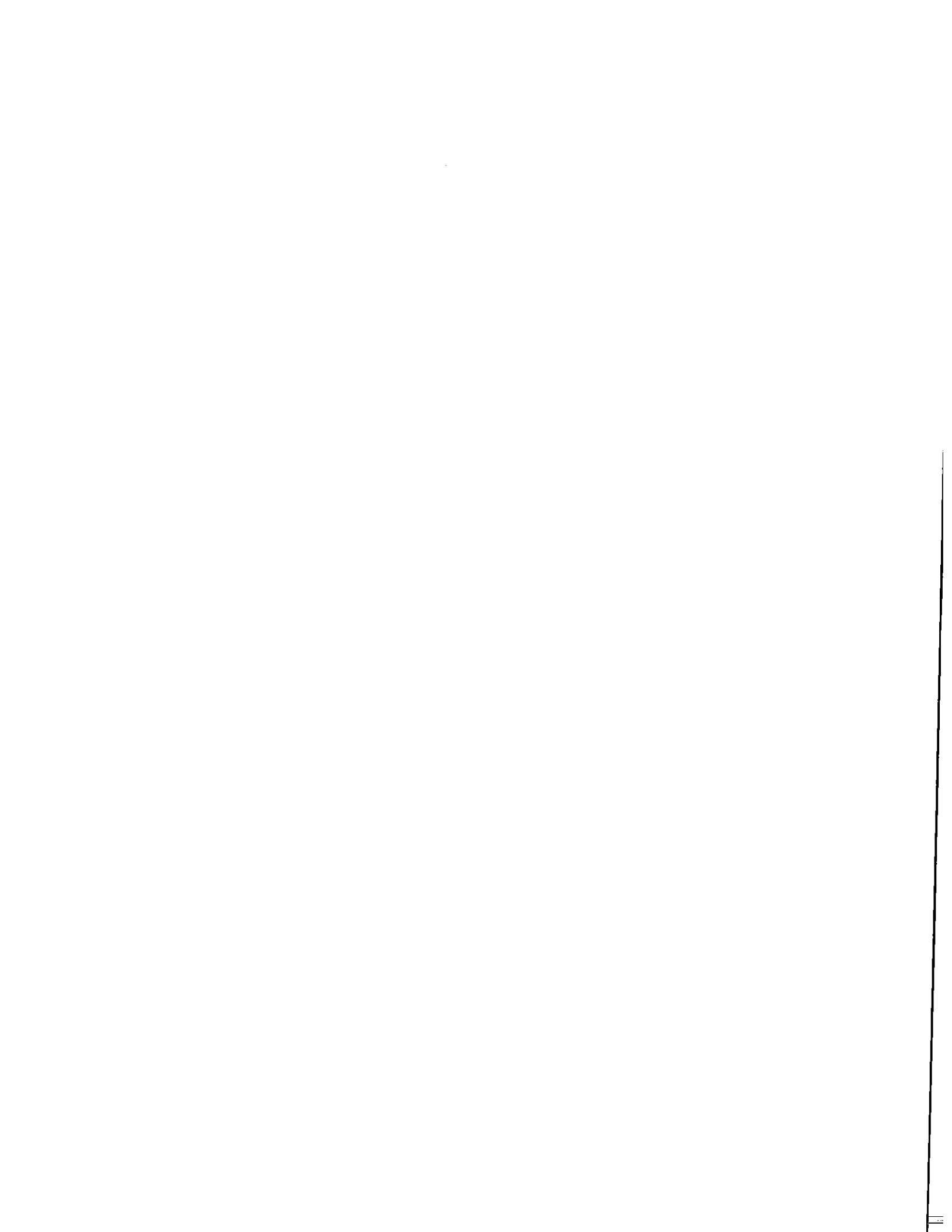
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Debra Brown

From: Debra Brown
Sent: Tuesday, June 25, 2019 1:37 PM
To: Cindy Moore
Subject: RE: Contract with BREC for the Jail.

Thanks Cindy!

From: Cindy Moore
Sent: Tuesday, June 25, 2019 10:36 AM
To: Debra Brown
Cc: rrose@rerenergygroup.com
Subject: RE: Contract with BREC for the Jail.

Finance does not have anything.

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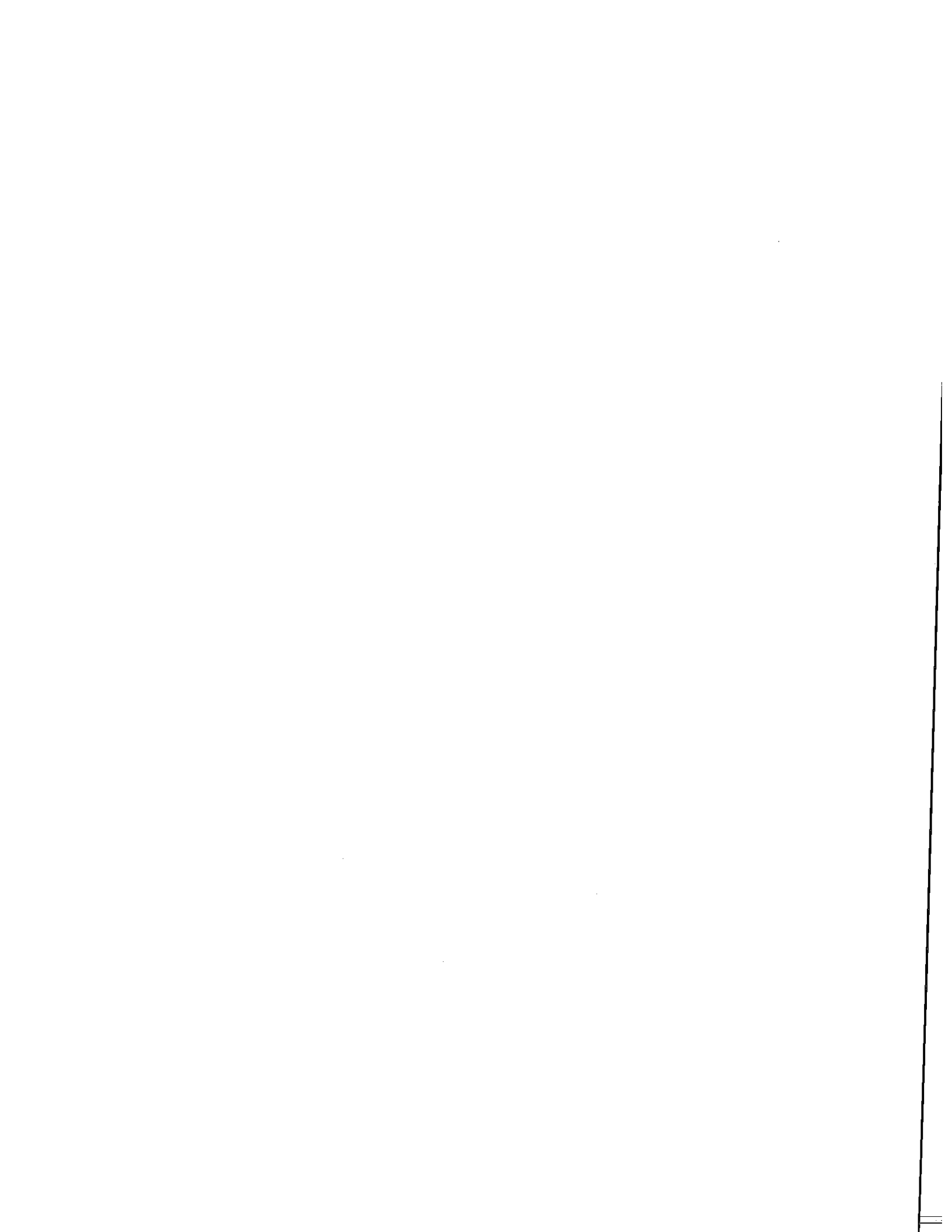


Debra Brown

From: Commissioner Dallara
Sent: Thursday, June 27, 2019 9:20 AM
To: Debra Brown
Subject: Work Schedule

Debra, I am attempting to get a Drs apt today and will not be in the office. I will however respond to emails from home. I do intend to be present at the lunch with RER Energy at Tilly's tomorrow. I will be on vacation next week. As always you can stamp my signature when needed.

Sent from my iPhone



Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Thursday, June 27, 2019 4:50 PM
To: Debra Brown
Subject: Re: Contract with BREC for the Jail.

Thank you Ms. Brown. I appreciate your efforts. Hopefully BREC will be willing to share their standard Agreement / Bylaws with us . We will discuss the best way to get this info with the commissioners at lunch tomorrow afternoon. Have a nice afternoon.

On Thu, Jun 27, 2019 at 4:18 PM Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Afternoon Mr. Rose:

I cannot find any kind of an agreement with BREC for the jail. I have talked with our Finance Department and checked the files here and do not see anything.

Debra

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Monday, June 24, 2019 9:12 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Subject: Contract with BREC for the Jail.

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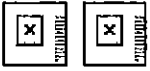
Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)

rrose@rerenergygroup.com | www.rerenergygroup.com



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Named one of the nation's fastest growing private companies for the fourth consecutive year.



Debra Brown

From: Commissioner Dallara
Sent: Wednesday, July 3, 2019 8:53 AM
To: Kurt Karsten
Cc: Commissioner Crooks; Rodney Rose; Commissioner Lang; Jim Kurtz
Subject: Re: Follow up from Friday Meeting with Bedford Co. Commissioners and RER Energy Group

Rod, I agree with the recap of our meeting as outlined in your email. I also appreciate Commissioner Crooks concern about the mechanics of our possible exit from BREC as our electric provider for the BCCF, and subsequently becoming a customer of PENELEC/ First Energy. I believe we all need to understand the exact steps we will follow prior to formally informing BREC that we intend to withdraw.

Additionally, as I requested during our meeting last Friday, as we move forward, we as commissioners need to have at our fingertips a summary of how we, RER Energy representing Bedford County, have attempted to first work with BREC and subsequently negotiate with BREC and Allegheny Electric Co-Op, energy rates that were consistent with industry standards and projected in the grant funded by the Commonwealth Financing Authority. We need to look no further than the grant award to the Bedford Borough and the rates and cooperation they have experienced working with Penelec.

We also should have an updated chart reflecting 4 columns. Column 1 should reflect the rates we would pay BREC over the next 25 years, Column 2 should show that savings projected by year as reflected in the grant proposal, column 3 should reflect the best rates verbally agreed to by BREC and Allegheny Electric, and Column 4 should show the rates Penelec has agreed to as a potential partner with Bedford County to help advance our solar project and eventually save the taxpayers of Bedford County millions of dollars.

It just shouldn't be this hard to provide our citizens a significant reduction in the cost for electricity.

Sent from my iPhone

On Jul 2, 2019, at 9:37 AM, Kurt Karsten <karstenlaw@gmail.com> wrote:

Commissioner Crooks,

Penelec service area seems to be redundant to BREC's area in this location, according to the PUC maps, but all of this would be fully confirmed before any actual withdrawal would occur, as would uninterrupted service for the jail.

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Annapolis, MD 21401
410-991-3184

On Tue, Jul 2, 2019, 8:58 AM Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

All

As I read the BREC bylaws, I saw nothing that said or implied that another power supplier could supply power to the jail, because the jail would still be in BREC's area. I am very concerned that BREC would cut off power to the jail whenever they would grant the jail's request for withdraw. That would be unliveable, if the jail wound up with no power and we would still have to get the area border changed and have Penelect willing to put up power lines ect.

Paul

From: Rodney Rose <rrose@rerenergygroup.com>

Sent: Monday, July 01, 2019 3:42 PM

To: Commissioner Lang <clang@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>

Cc: Kurt Karsten <karstenlaw@gmail.com>; Jim Kurtz <jkurtz@rerenergygroup.com>

Subject: Follow up from Friday Meeting with Bedford Co. Commissioners and RER Energy Group

Commissioners Lang, Crooks and Dallara,

Gentlemen, thank you for meeting with us on Friday afternoon for a productive lunch strategy session. We thought there was good progress and agreement that the best path forward would be to begin the process to have the County submit to withdraw from BREC as soon as possible.

The following outlines the next steps required. We need to keep in mind that the CFA requires funds to be reimbursed by the grant are spent no later than 6/30/20 so time is of the essence to complete these tasks.

- 1) Review of BREC Bylaws: RER (Kurt/Rodney) Using the bylaws sent Fri. afternoon by Cmr. Lang, determine the proper steps for requesting the County withdraw from BREC for the jail account.

- 2) Letter of Withdraw from BREC: RER (Kurt/Rodney) Letter will state that County will be withdrawing the Jail from BREC per the procedures articulated in the BREC Bylaws, and simultaneously working with Penelec to get service to the jail.

3) Commissioners send signed letter: (Cmr.'s Lang, Crooks, Dallara) Letter to be sent to BREC on County Letterhead and signed by all three Commissioners. Commissioners will notify RER upon response from BREC.

4) PUC Option As Needed: (Kurt/Commissioners) Should BREC attempt to block the County withdraw under the terms of the BREC Bylaws, Kurt intends to file on behalf of the County with the PUC for review. This process would require Penelec to move the border of the current utility territory maps.

5) New Service at the Jail: (RER Operations Team) Work with Penelec on a new service application and make sure the switch would not result in service interruption at the jail site.

6) Resubmit RNM Application: (RER Andrew) Update the Penelec Remote Net Metering Application to reflect the new meter numbers for the Jail along with the other accounts in the RNM Calculation (Library, Courthouse, 911 Center)

Please let us know if you feel we missed anything in the above. Again, thank you for the productive meeting on Friday, we look forward to resolving the current situation favorable for the County.

Sincerely

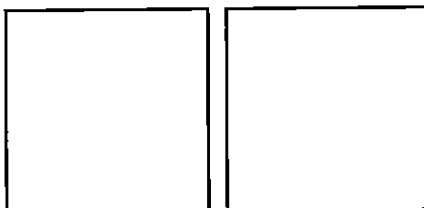
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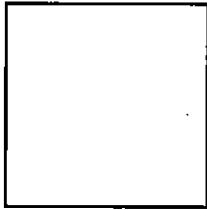
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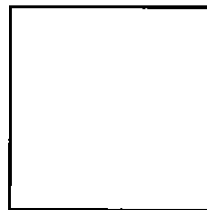
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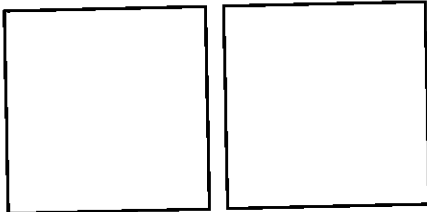
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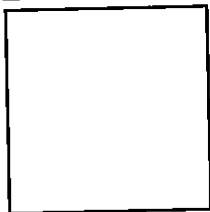
4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

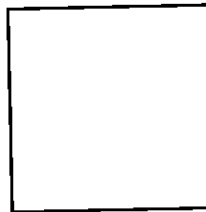
rrose@rerenergygroup.com | www.rerenergygroup.com



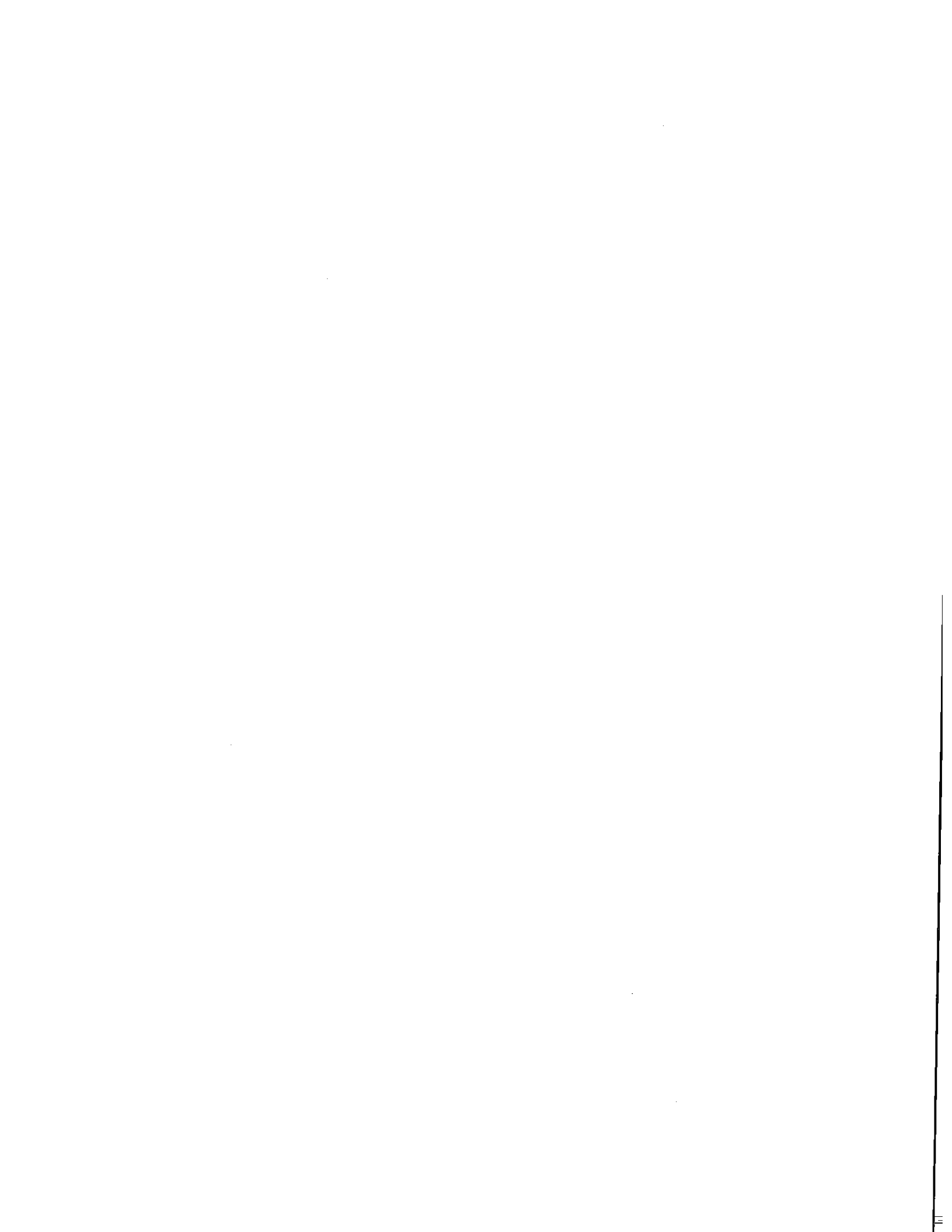
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Debra Brown

From: Commissioner Dallara
Sent: Wednesday, July 3, 2019 9:19 AM
To: Larry.Myers@se.com
Subject: Fwd: Follow up from Friday Meeting with Bedford Co. Commissioners and RER Energy Group

Sent from my iPhone

Begin forwarded message:

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Date: July 3, 2019 at 8:53:05 AM EDT
To: Kurt Karsten <karstenlaw@gmail.com>
Cc: Commissioner Crooks <pcrooks@bedfordcountypa.org>, Rodney Rose <rrose@rerenergygroup.com>, Commissioner Lang <clang@bedfordcountypa.org>, Jim Kurtz <jkurtz@rerenergygroup.com>
Subject: Re: Follow up from Friday Meeting with Bedford Co. Commissioners and RER Energy Group

Rod, I agree with the recap of our meeting as outlined in your email. I also appreciate Commissioner Crooks concern about the mechanics of our possible exit from BREC as our electric provider for the BCCF, and subsequently becoming a customer of PENELEC/ First Energy. I believe we all need to understand the exact steps we will follow prior to formally informing BREC that we intend to withdraw.

Additionally, as I requested during our meeting last Friday, as we move forward, we as commissioners need to have at our fingertips a summary of how we, RER Energy representing Bedford County, have attempted to first work with BREC and subsequently negotiate with BREC and Allegheny Electric Co-Op, energy rates that were consistent with industry standards and projected in the grant funded by the Commonwealth Financing Authority. We need to look no further than the grant award to the Bedford Borough and the rates and cooperation they have experienced working with Penelec.

We also should have an updated chart reflecting 4 columns. Column 1 should reflect the rates we would pay BREC over the next 25 years, Column 2 should show that savings projected by year as reflected in the grant proposal, column 3 should reflect the best rates verbally agreed to by BREC and Allegheny Electric, and Column 4 should show the rates Penelec has agreed to as a potential partner with Bedford County to help advance our solar project and eventually save the taxpayers of Bedford County millions of dollars.

It just shouldn't be this hard to provide our citizens a significant reduction in the cost for electricity.

Sent from my iPhone

On Jul 2, 2019, at 9:37 AM, Kurt Karsten <karstenlaw@gmail.com> wrote:

Commissioner Crooks,

Penelec service area seems to be redundant to BREC's area in this location, according to the PUC maps, but all of this would be fully confirmed before any actual withdrawal would occur, as would uninterrupted service for the jail.

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Annapolis, MD 21401
410-991-3184

On Tue, Jul 2, 2019, 8:58 AM Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

All

As I read the BREC bylaws, I saw nothing that said or implied that another power supplier could supply power to the jail, because the jail would still be in BREC's area. I am very concerned that BREC would cut off power to the jail whenever they would grant the jail's request for withdraw. That would be unliveable, if the jail wound up with no power and we would still have to get the area border changed and have Penelect willing to put up power lines ect.

Paul

From: Rodney Rose <rrose@reenergygroup.com>
Sent: Monday, July 01, 2019 3:42 PM
To: Commissioner Lang <jlant@bedfordcountypa.org>; Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>
Cc: Kurt Karsten <karstenlaw@gmail.com>; Jim Kurtz <jkurtz@reenergygroup.com>
Subject: Follow up from Friday Meeting with Bedford Co. Commissioners and RER Energy Group

Commissioners Lang, Crooks and Dallara,

Gentlemen, thank you for meeting with us on Friday afternoon for a productive lunch strategy session. We thought there was good progress and agreement that the best path forward would be to begin the process to have the County submit to withdraw from BREC as soon as possible.

The following outlines the next steps required. We need to keep in mind that the CFA requires funds to be reimbursed by the grant are spent no later than 6/30/20 so time is of the essence to complete these tasks.

- 1) Review of BREC Bylaws: RER (Kurt/Rodney) Using the bylaws sent Fri. afternoon by Cmr. Lang, determine the proper steps for requesting the County withdraw from BREC for the jail account.

- 2) Letter of Withdraw from BREC: RER (Kurt/Rodney) Letter will state that County will be withdrawing the Jail from BREC per the procedures articulated in the BREC Bylaws, and simultaneously working with Penelec to get service to the jail.

- 3) Commissioners send signed letter: (Cmr.'s Lang, Crooks, Dallara) Letter to be sent to BREC on County Letterhead and signed by all three Commissioners. Commissioners will notify RER upon response from BREC.

- 4) PUC Option As Needed: (Kurt/Commissioners) Should BREC attempt to block the County withdraw under the terms of the BREC Bylaws, Kurt intends to file on behalf of the County with the PUC for review. This process would require Penelec to move the border of the current utility territory maps.

- 5) New Service at the Jail: (RER Operations Team) Work with Penelec on a new service application and make sure the switch would not result in service interruption at the jail site.

- 6) Resubmit RNM Application: (RER Andrew) Update the Penelec Remote Net Metering Application to reflect the new meter numbers for the Jail along with the other accounts in the RNM Calculation (Library, Courthouse, 911 Center)

Please let us know if you feel we missed anything in the above. Again, thank you for the productive meeting on Friday, we look forward to resolving the current situation favorable for the County.

Sincerely

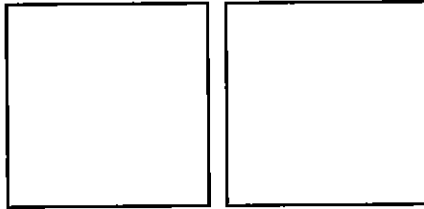
Rodney G. Rose, Esq.

Director of Business Development

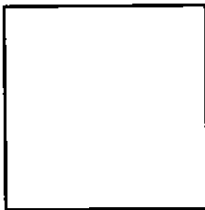
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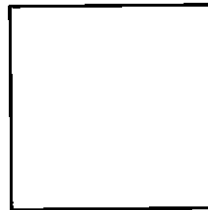
rose@rerenergygroup.com | www.rerenergygroup.com



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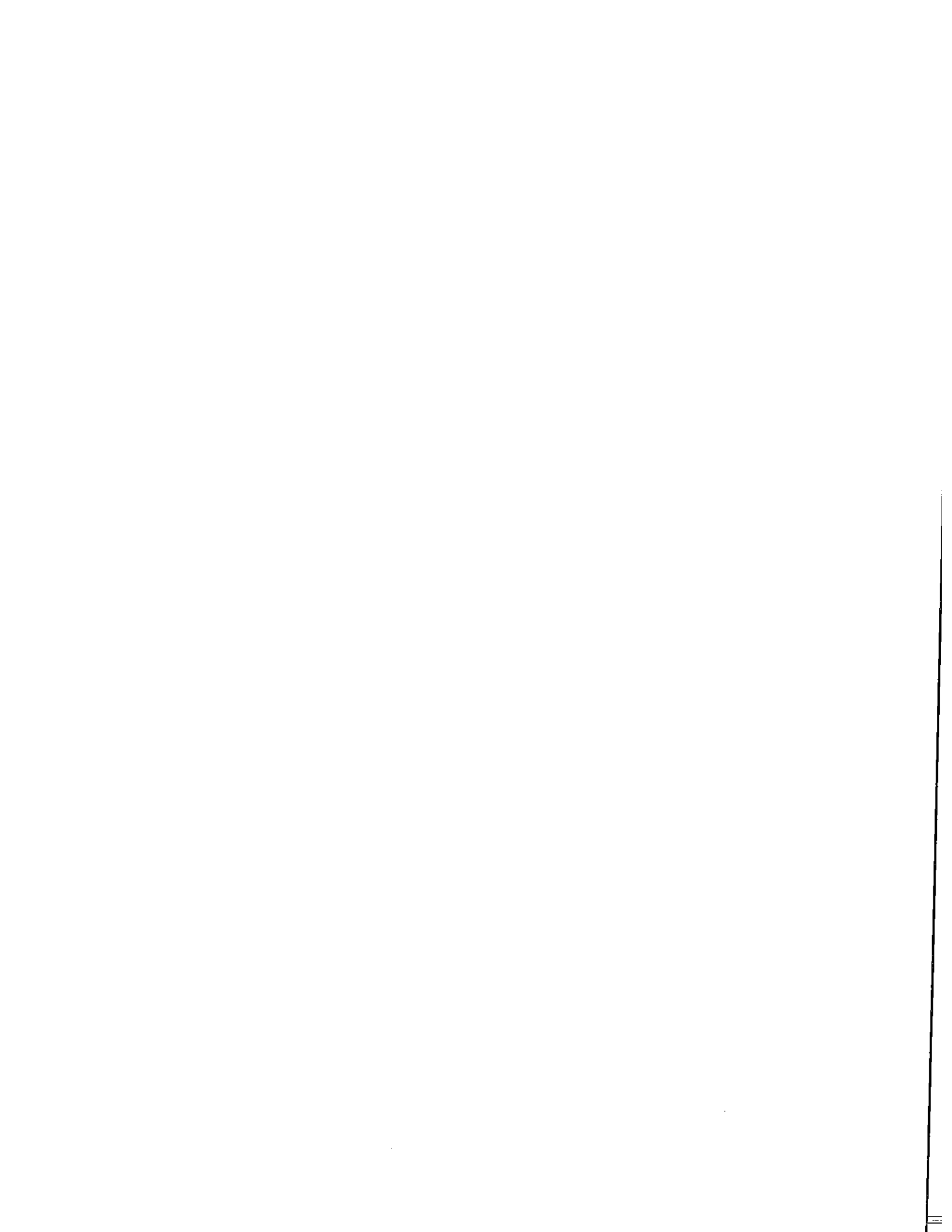
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Debra Brown

From: Commissioner Dallara
Sent: Wednesday, July 17, 2019 9:09 AM
To: rrose@reenergygroup.com
Subject: BREC Letter

Rod, what is the status of our letter of withdrawal from BREC service.

Sent from my iPhone



Debra Brown

From: Commissioner Dallara
Sent: Wednesday, July 17, 2019 10:20 AM
To: Rodney Rose
Subject: Re: BREC Letter

Thx Rod, let me know when I can share this with Josh and Paul

Sent from my iPhone

On Jul 17, 2019, at 10:06 AM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Commissioner Dallara,

We are working with Penelec to verify all of the necessary documentation and requirements to precipitate the switch, prior to sending the letter (Getting everything lined up) We have contacted Tim Fry from Penelec and discussed the switch with him and are awaiting to hear back from Dave Weaver in their legal department regarding the legal documentation necessary to transfer service to Penelec.

I am attaching an email from our last correspondence with Mr. Weaver from last week We again reached out Monday via voicemail and are awaiting a response

Dave,

In our discussions with the Bedford County Supervisors, they have informed us of their intent to withdraw from the Bedford Rural Electric Cooperative and connect to the Penelec service in the area for their Bedford Co. Regional Jail. As a member of the Co-op, they have the right, illustrated in the bylaws, to withdraw at any time and join the Investor Owned Utility servicing the area. This Notice of intent will be delivered to BREC shortly. We have checked the PUC Service territory maps and see that the Penelec services covers this location, and furthermore is only 250 yd from Existing Penelec Service Lines. Bedford Co. Understands the costs associated with interconnection and has factored this into their decisions.

We have had multiple discussions with Tim Fry, from Penelec Engineering regarding the process for applying for new service from Penelec and a seamless switch of service to avoid interruptions. Mr. Fry also provided us with a rough estimate of the cost of interconnection of new service and the documentation required for Penelec to begin the process.

Mr. Fry also recommended that we reach out to you to discuss what items would be needed prior to switching service, by Penelec's legal / administrative division.

So far we know that you will need to see the following

- 1) Application for New Service*
- 2) Letter from Bedford Co, Commissioners withdrawing from BREC*
- 3) Letter of Acknowledgement or cancellation from BREC.*

Please give me a call to discuss what else Penelec will need in advance of this transfer of services, any other items essential to ensure a smooth transition.

Sincerely,

I will let you know when Mr. Weaver responds

On Wed, Jul 17, 2019 at 9:09 AM Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:
Rod, what is the status of our letter of withdrawal from BREC service.

Sent from my iPhone

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<https://verify.exchangedefender.com/verify.php?id=x6HD9Bw0032674&from=cdallara@bedfordcountypa.org>

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Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



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Debra Brown

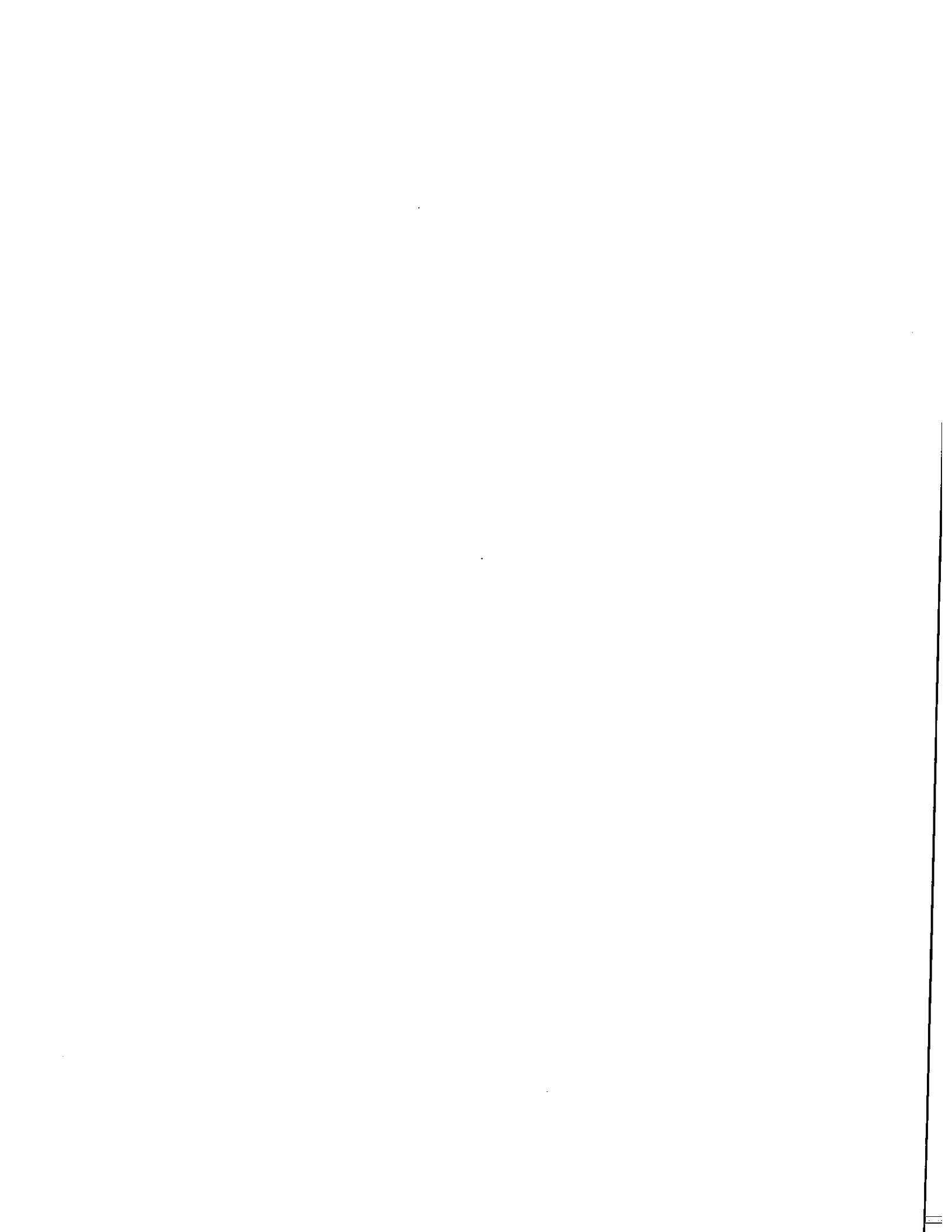
From: Debra Brown
Sent: Tuesday, July 23, 2019 10:18 AM
To: Rodney Rose; Linda Drei
Subject: Invoice for the Solar Ground Breaking
Attachments: Soaring Eagle Invoice.PDF

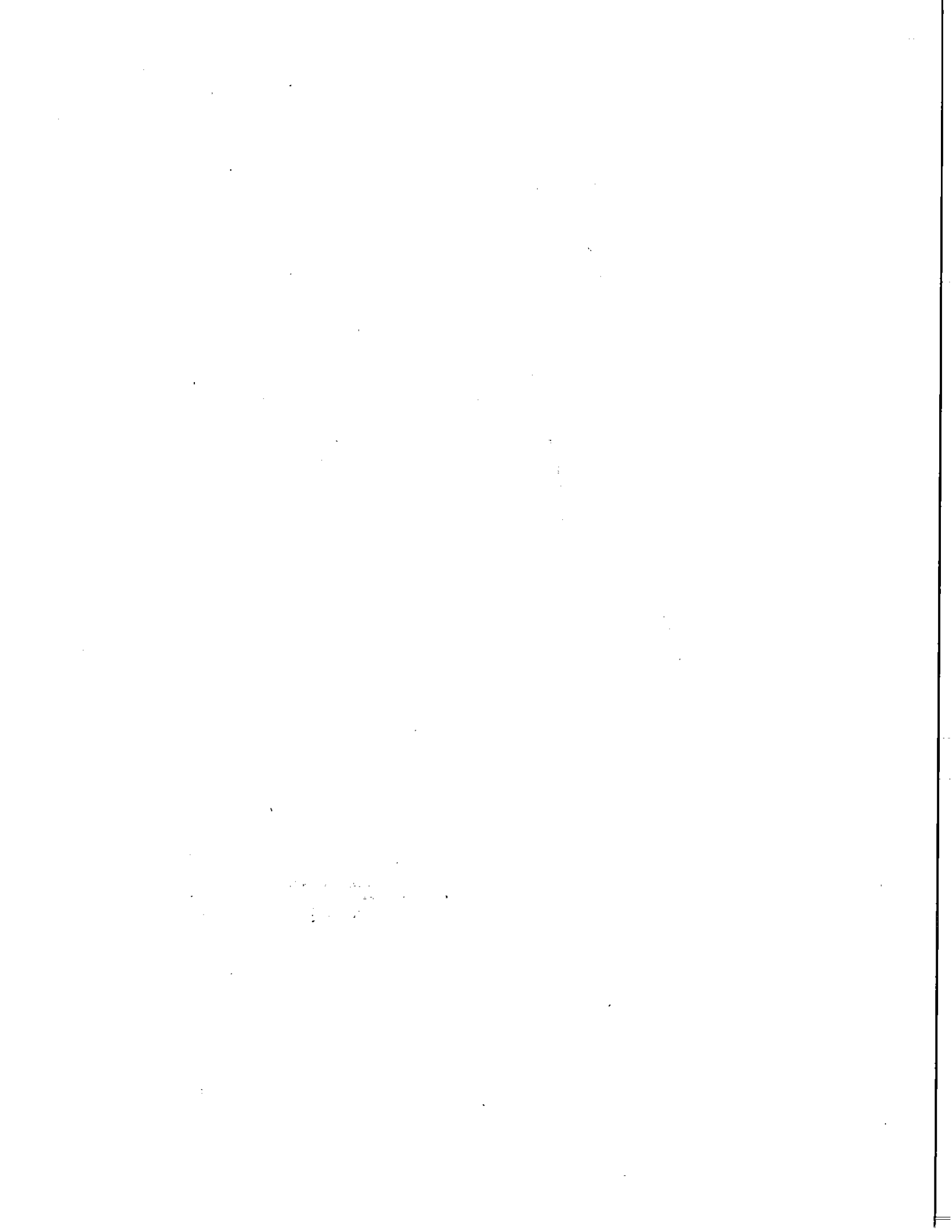
To Both:

I just spoke with the company and this invoice is still not paid. This was sent to you back when the groundbreaking was held. Please respond to the payment as soon as possible. Thank you.

Debra

Debra K. Brown/Chief Clerk
Bedford County Commissioners
200 South Juliana Street
Bedford, PA 15522
814-623-4807
www.bedfordcountypa.org







SOARING EAGLE PRODUCTIONS

Donald & Ginger Fair
8693 Lincoln Highway
Bedford, PA 15522
(814) 623-1213

Invoice

Date	Invoice #
1/10/2019	1744

Bill To
Bedford County Commissioner's Office 200 S Juliana St, Bedford, PA 15522

P.O. No.	Terms	Project

Quantity	Description	\$/Unit	Amount
1	Sound System Rental for Solar Project Announcement at the Jail	50.00	50.00T
	Sales Tax	6.00%	3.00

Total		\$53.00
--------------	--	----------------

Payments/Credits	\$0.00
-------------------------	---------------

Balance Due	\$53.00
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Debra Brown

From: Cindy Moore
Sent: Tuesday, July 23, 2019 10:23 AM
To: Debra Brown
Subject: RE: Invoice for the Solar Ground Breaking

Is this county for the company's expense?

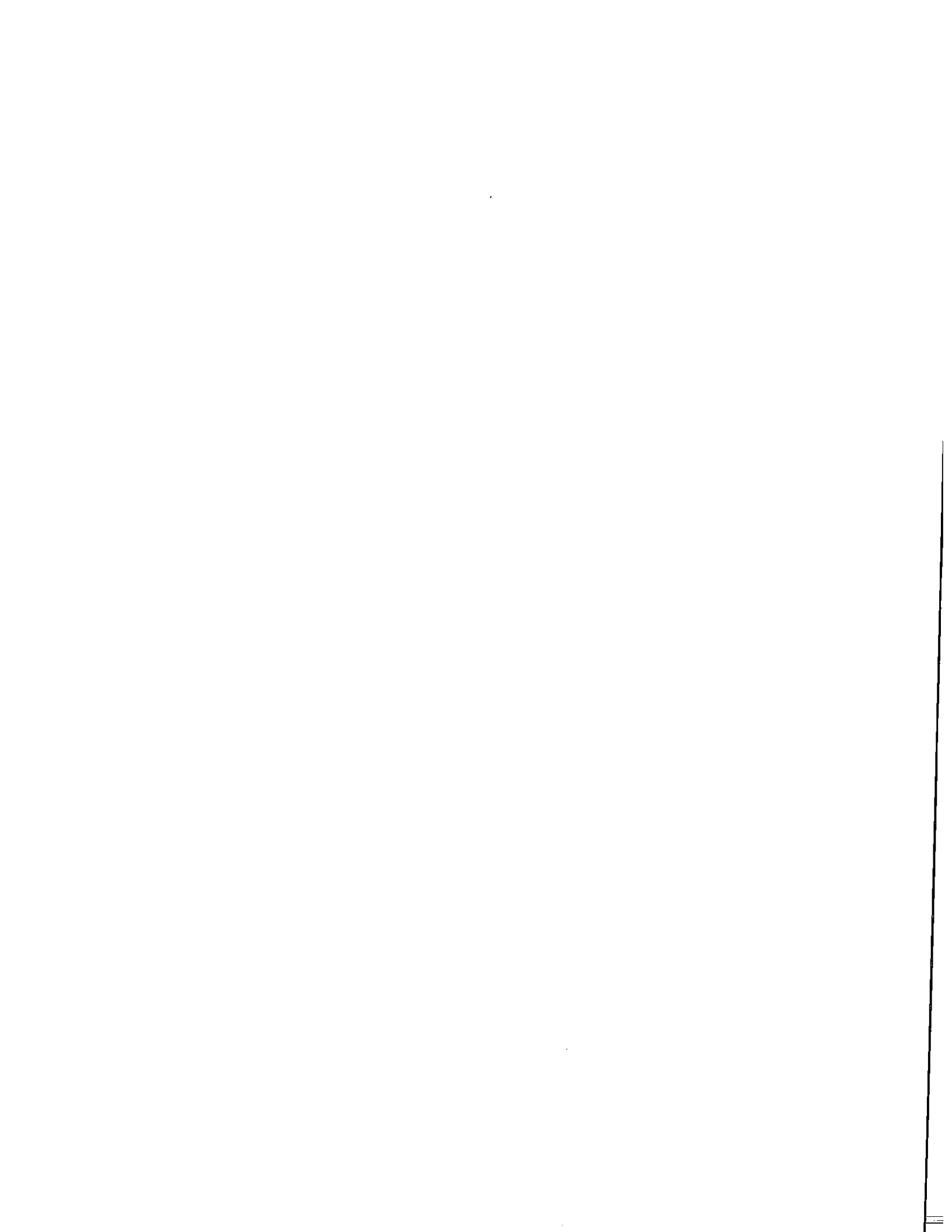
From: Debra Brown <DBrown@bedfordcountypa.org>
Sent: Tuesday, July 23, 2019 10:18 AM
To: Rodney Rose <rrose@rerenergygroup.com>; Linda Drei <ldrei@rerenergygroup.com>
Subject: Invoice for the Solar Ground Breaking
Importance: High

To Both:

I just spoke with the company and this invoice is still not paid. This was sent to you back when the groundbreaking was held. Please respond to the payment as soon as possible. Thank you.

Debra

Debra K. Brown/Chief Clerk
Bedford County Commissioners
200 South Juliana Street
Bedford, PA 15522
814-623-4807
www.bedfordcountypa.org



Debra Brown

From: Debra Brown
Sent: Tuesday, July 23, 2019 10:33 AM
To: Cindy Moore
Subject: RE: Invoice for the Solar Ground Breaking

No, they wanted a speaker system for the groundbreaking and they are to pay it.

From: Cindy Moore
Sent: Tuesday, July 23, 2019 10:23 AM
To: Debra Brown <DBrown@bedfordcountypa.org>
Subject: RE: Invoice for the Solar Ground Breaking

Is this county for the company's expense?

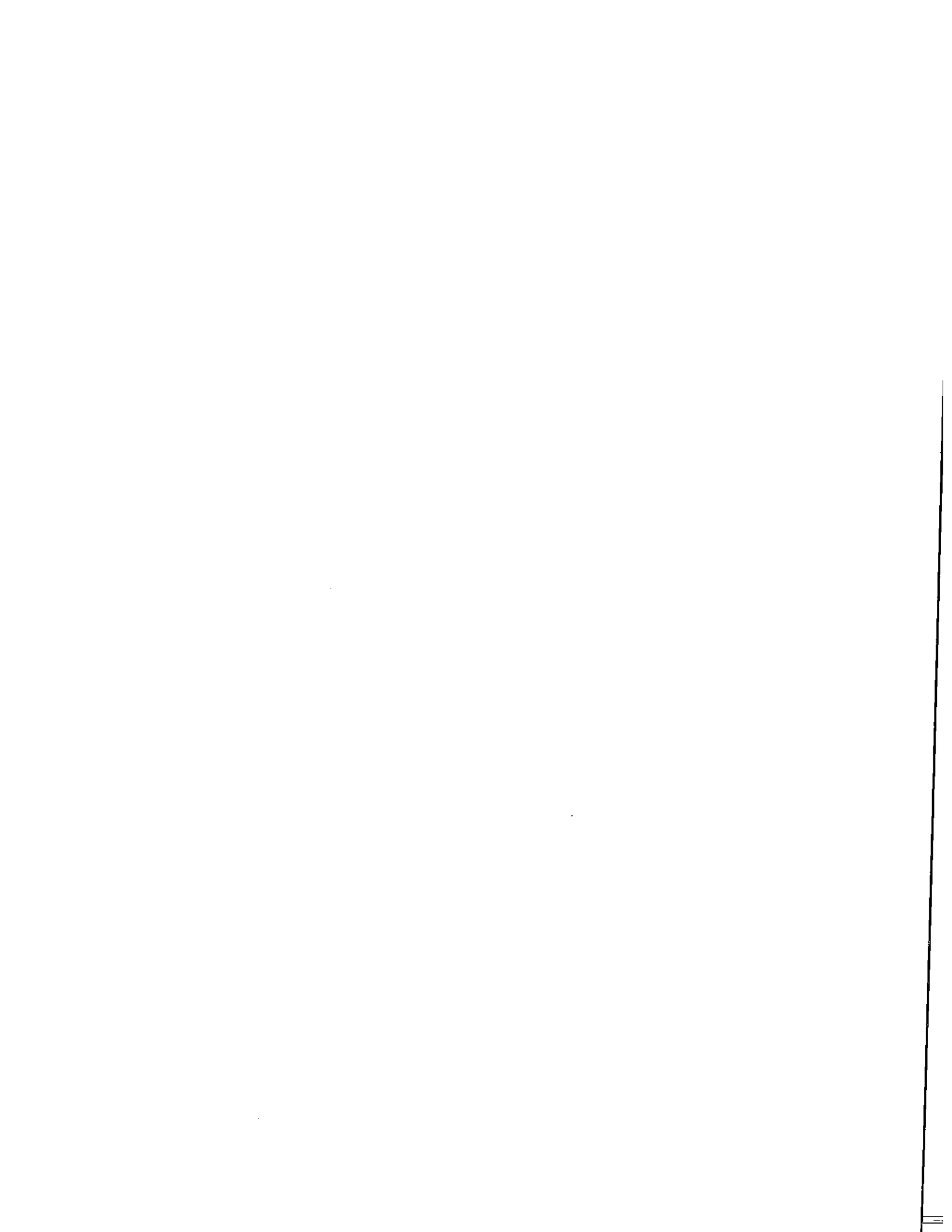
From: Debra Brown <DBrown@bedfordcountypa.org>
Sent: Tuesday, July 23, 2019 10:18 AM
To: Rodney Rose <rrose@reenergygroup.com>; Linda Drei <ldrei@reenergygroup.com>
Subject: Invoice for the Solar Ground Breaking
Importance: High

To Both:

I just spoke with the company and this invoice is still not paid. This was sent to you back when the groundbreaking was held. Please respond to the payment as soon as possible. Thank you.

Debra

Debra K. Brown/Chief Clerk
Bedford County Commissioners
200 South Juliana Street
Bedford, PA 15522
814-623-4807
www.bedfordcountypa.org



Debra Brown

From: Commissioner Dallara
Sent: Friday, August 2, 2019 4:41 PM
To: Green, Beverly M
Subject: Re: [EXTERNAL] RE: Bedford County Jail Solar Project

Beverly, I'll attempt to contact you early next week to discuss our project. Thank you for letting us know there is some movement on our project.

Sent from my iPhone

On Aug 2, 2019, at 2:31 PM, Green, Beverly M <bgreen@firstenergycorp.com> wrote:

Ok. Once I get a handle on the details we'll get together to discuss the details and concerns.

Sent from my iPhone

On Aug 2, 2019, at 2:12 PM, Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

Hi Beverly

It's nice to know someone who is going to be working with/for us. We started this process over a year ago and to date we have the solar panels stacked up in the yard by our jail. As you know Bedford County likes to have fairly regular updates or just an additional hello. Hopefully with your help, the process will start moving. My only real concern is that for some unknown reason, the power would be shut off from the jail before all was ready.

Thanks again for your update.

Paul

From: Green, Beverly M <bgreen@firstenergycorp.com>
Sent: Friday, August 02, 2019 1:29 PM
To: Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: Bedford County Jail Solar Project

Good Afternoon

I have been asked to help coordinate and facilitate the Penelec side of the proposed solar project for the Bedford County jail.

I have had some general conversation with our engineering department to begin gathering the facts and next steps as the project moves forward.

I will be on vacation next week but have a scheduled internal conference call on August 12th with the departments that will be touching this project within Penelec as it progresses.

Once we have an outline what will be needed, I will reach out to you to meet and review the details.

In the meantime if you have any questions, please feel free to reach out to me.

Beverly M. Green
Manager, External Affairs

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Debra Brown

From: Commissioner Dallara
Sent: Monday, August 12, 2019 1:26 PM
To: Green, Beverly M
Cc: Commissioner Crooks; Commissioner Lang; rose@rerenergygroup.com; Debra Brown
Subject: Re: Meeting on Solar Project

Beverly, Monday August 19 is best for me

Sent from my iPhone

On Aug 12, 2019, at 1:24 PM, Green, Beverly M <bgreen@firstenergycorp.com> wrote:

Good Afternoon

I was able to talk with the Penelec folks that have been involved with the proposed solar project to date.

I believe we have a solid list of discussion topics that I would like to discuss with each of you so we can all understand where we can go from here on the project.

I've copied Mr. Rose in hopes we can all agree on a date and time to meet face to face at the courthouse office.

I'm proposing the two dates and times below. Please let me know of your availability.

Monday, August 19th – 9:00AM

Tuesday, August 20th – 1:00PM

Looking forward to our discussion.

Beverly M. Green

FirstEnergy

Regional External Affairs

405 W. Plank Rd.

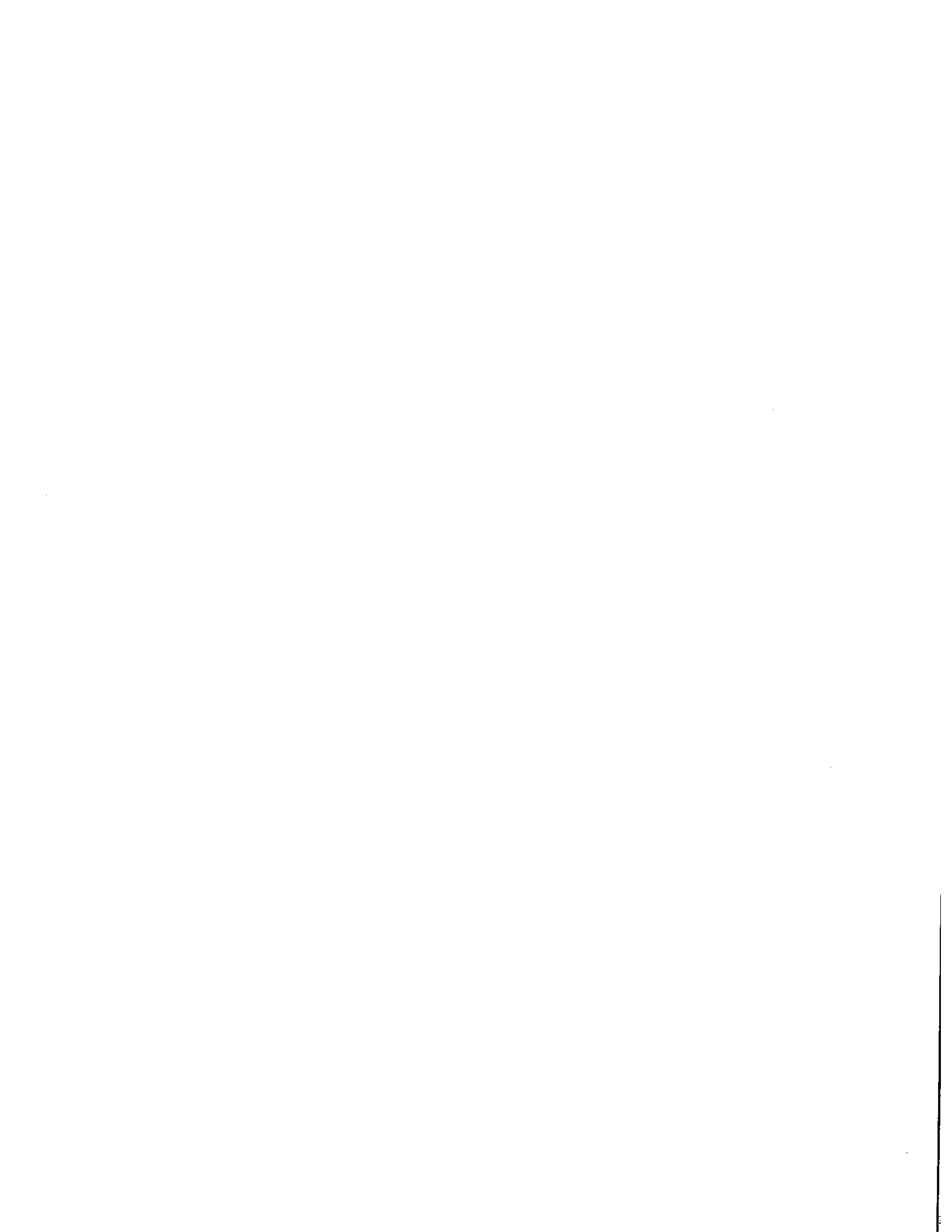
Altoona, PA 16602

814-947-6303

<image003.jpg>

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Debra Brown

Subject: RER Meeting & Penelec/First Energy Staff
Location: Commissioners Suite

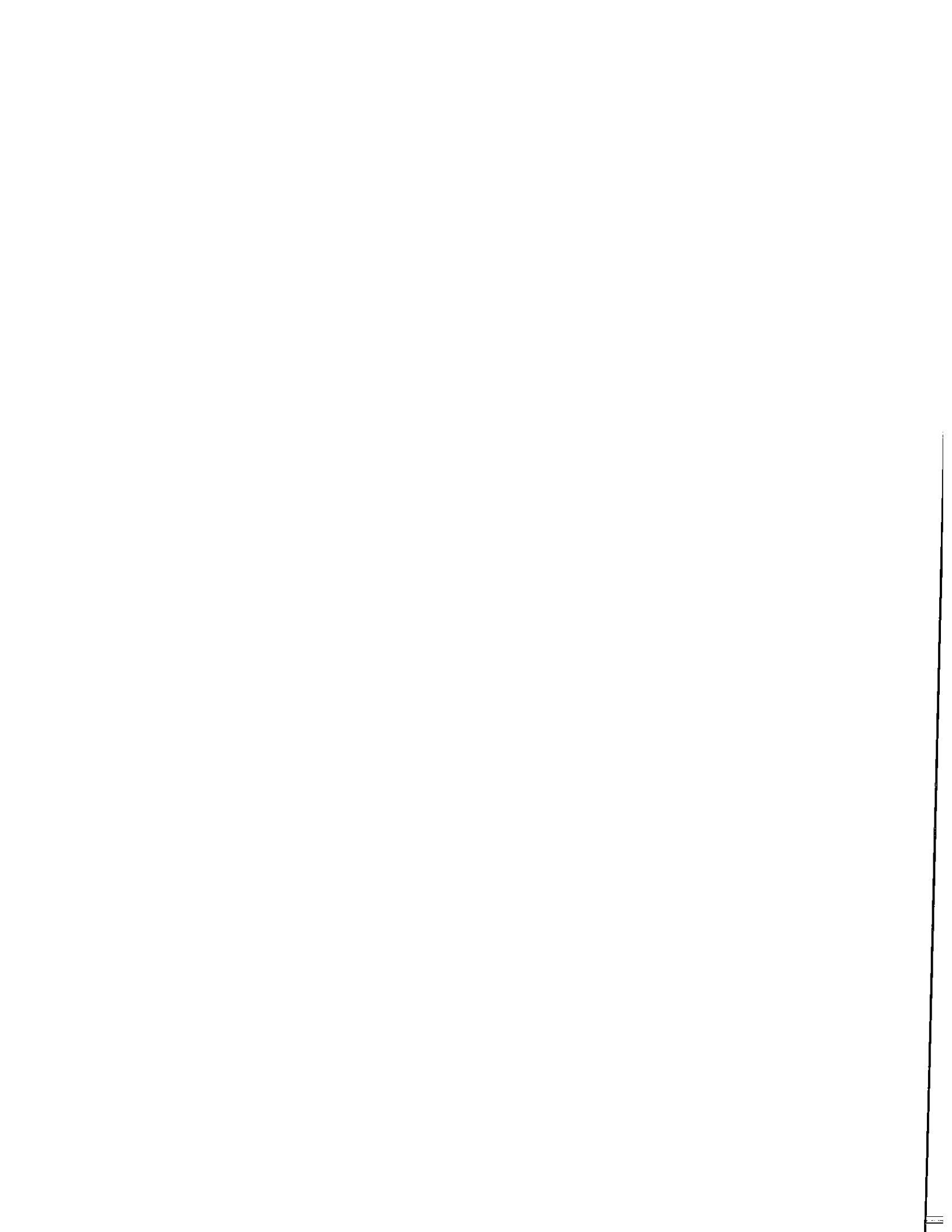
Start: Mon 8/26/2019 11:00 AM
End: Mon 8/26/2019 12:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Dallara; Commissioner Crooks; Rodney Rose;
bgreen@firstenergycorp.com
Optional Attendees: Brandau, Martin E; George, Wayne M; jkurtz@rerenergygroup.com;
mbarnes@rerenergygroup.com; karstenlaw@gmail.com

Ed Brandau attending with Ms. Green



Debra Brown

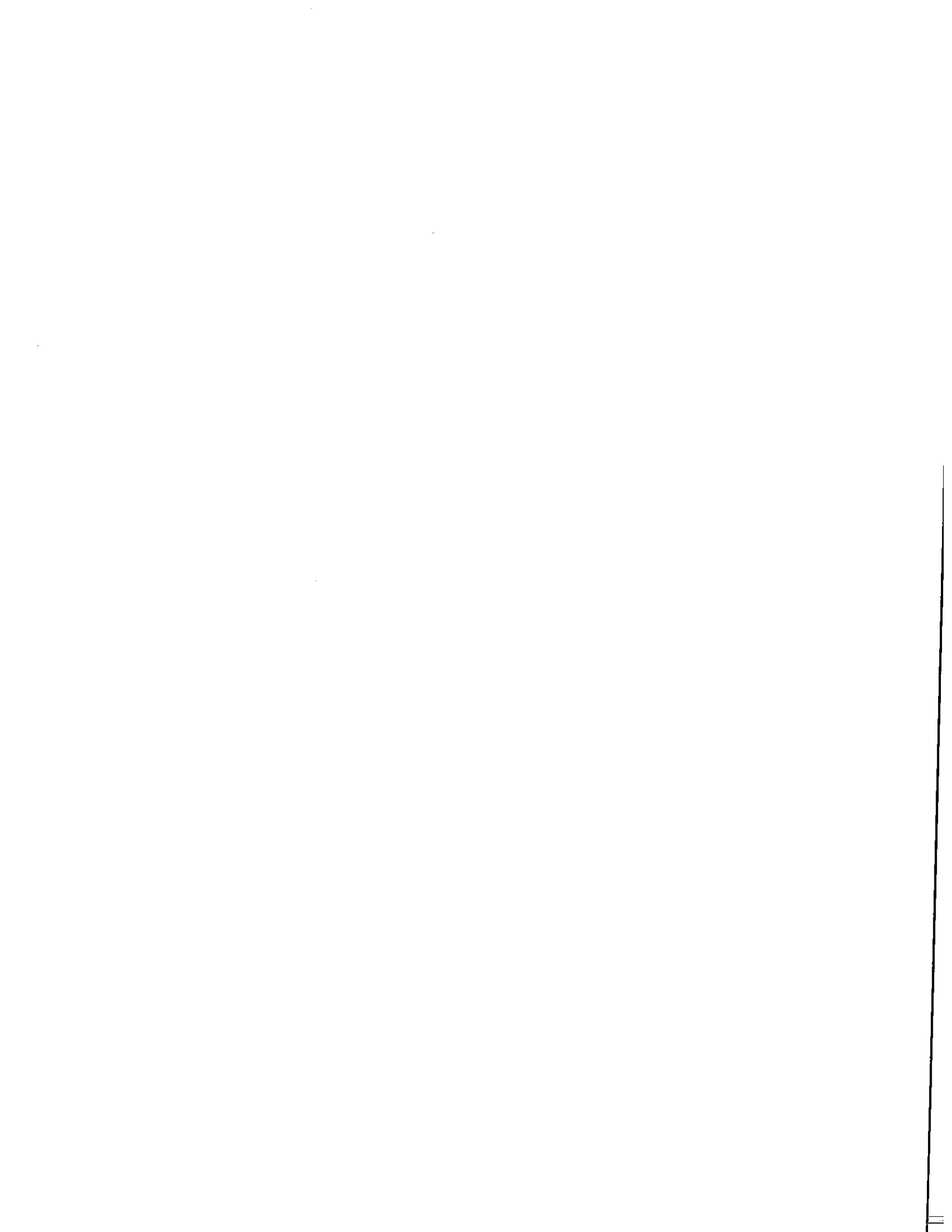
Subject: RER Meeting & Penelec/First Energy Staff
Location: Commissioners Suite

Start: Mon 8/26/2019 11:00 AM
End: Mon 8/26/2019 12:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Debra Brown
Required Attendees: Commissioner Lang; Commissioner Dallara; Commissioner Crooks; Rodney Rose;
bgreen@firstenergycorp.com

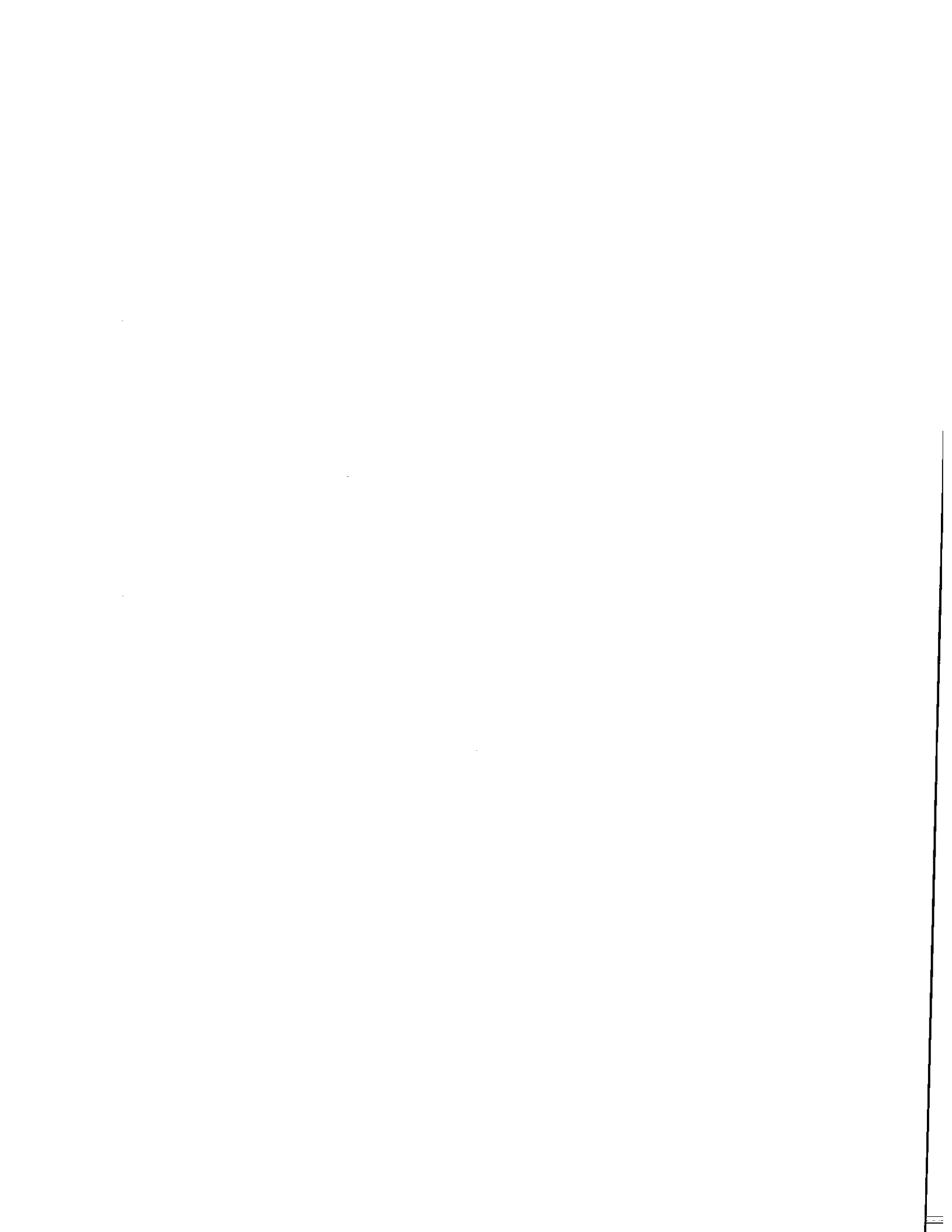


Debra Brown

From: Green, Beverly M <bgreen@firstenergycorp.com>
Sent: Tuesday, August 13, 2019 3:31 PM
To: Debra Brown
Subject: Accepted: [EXTERNAL] RER Meeting & Penelec/First Energy Staff

Debra – Ed Brandau, Manager of Customer Support will also be attending with me. Thank you

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Debra Brown

From: Commissioner Dallara
Sent: Tuesday, August 13, 2019 5:18 PM
To: Debra Brown
Subject: Accepted: RER Meeting & Penelec/First Energy Staff

Debra Brown

From: Jim Kurtz <jkurtz@rerenergygroup.com>
Sent: Monday, August 26, 2019 3:13 PM
To: Dale Gates
Cc: Rodney Rose
Subject: Re: parking garage

Appreciate the quick follow-up Dale.

Nice to meet today. Thanks for all the helpful information.

We will reach out to Todd and be in touch.

Best, Jim



Jim Kurtz

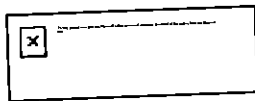
President

4700 Pottsville Pike, Reading, PA 19605

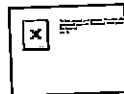
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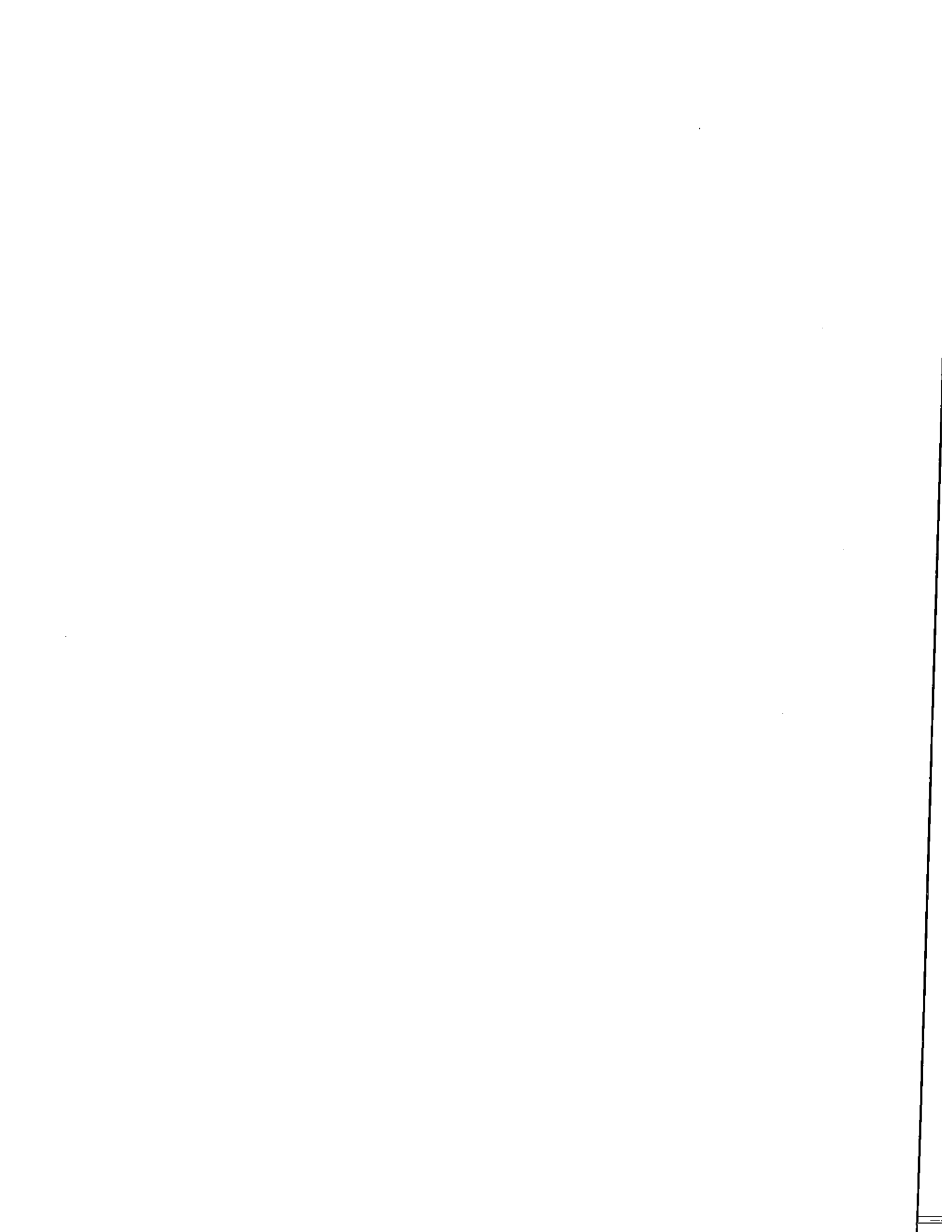


On Mon, Aug 26, 2019 at 3:03 PM Dale Gates <dgates@bedfordcountypa.org> wrote:

Jim ,

I emailed Todd from EADS group to tell him
you maybe calling Todd brewer 814-445-6551

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Debra Brown

From: Commissioner Dallara
Sent: Thursday, August 29, 2019 10:11 AM
To: Dale Gates
Cc: Commissioner Lang; Commissioner Crooks
Subject: Re: Bedford City Hall Parking Garage

Dale, I do not believe there is sufficient solar capacity (sq footage), on the parking garage, courthouse and other two buildings to generate sufficient kwh to supply the needed demand. Therefore I don't think at this time we should alter our plan on what repairs we intend to do on the parking garage. We can entertain other options as it becomes more apparent which option provides the best choice for the county.

Sent from my iPhone

On Aug 29, 2019, at 9:21 AM, Dale Gates <dgates@bedfordcountypa.org> wrote:

From: tbrewer@eadsgroup.com <tbrewer@eadsgroup.com>
Sent: Wednesday, August 28, 2019 4:02 PM
To: Dale Gates <dgates@bedfordcountypa.org>
Subject: Bedford City Hall Parking Garage

Dale,

I just spoke to Rodney Rose from RER energy group. If you would like us to include a roof on the parking garage we can certainly do that. The design of a roof is not part of our scope of work in our current agreement. If you would like, we could send you a proposal to supplement our original agreement to include the design and drawings for a roof.

Thank you

Todd

From: Dale Gates <dgates@bedfordcountypa.org>
Sent: Monday, August 26, 2019 2:57 PM
To: tbrewer@eadsgroup.com
Subject: parking garage

Todd ,

A representative from RER energy group may be contacting you to talk about the possibility of a roof on the parking garage for solar panels. I told them that you were working on a plan to fix the parking

garage

thanks Dale Gates

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Debra Brown

From: Mark J. Kellerman <mjkellerman@centrecountypa.gov>
Sent: Thursday, August 29, 2019 12:20 PM
To: Danette Magee; Charles Hardester Jr; Steve Howe (showe@dauphinc.org); Deborah Crawford (dcrawford@tiogacountypa.us); Joshua Zeyn; Randy Waggoner (rwaggoner@perryco.org); Robert J. Roland; Angelia S. Tennies (astennies@mckeancountypa.org); Thomas Hill; Susan Miller
Subject: RE: solar panels

If solar panels are installed I make no changes to value. We did not place additional value on solar panels in our base year so I won't now.

Mark

Mark J. Kellerman CPE
Chief Assessor
Centre County Assessment Office
420 Holmes Street, Room 301
Bellefonte, PA 16823
814-355-6721
814-355-6747 FAX

From: Danette Magee <dmagee@palegislature.us>
Sent: Thursday, August 29, 2019 12:13 PM
To: Charles Hardester Jr <chardester@co.lawrence.pa.us>; Steve Howe (showe@dauphinc.org) <showe@dauphinc.org>; Mark J. Kellerman <mjkellerman@centrecountypa.gov>; Deborah Crawford (dcrawford@tiogacountypa.us) <dcrawford@tiogacountypa.us>; Joshua Zeyn <jzeyn@tiogacountypa.us>; Randy Waggoner (rwaggoner@perryco.org) <rwaggoner@perryco.org>; Robert Roland (RRoland@bedfordcountypa.org) (RRoland@bedfordcountypa.org) <RRoland@bedfordcountypa.org>; Angelia S. Tennies (astennies@mckeancountypa.org) <astennies@mckeancountypa.org>; Thomas Hill <briahill79@gmail.com>; Susan Miller <sbmiller@adamscounty.us>
Subject: re: solar panels

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All—

I received an inquiry regarding the assessment of solar panels on a home. I'd appreciate it if you could offer some guidance about the inquiry below:

"As installation of solar panels would increase the market value of the property, the tax liability of a property owner who installed them would increase. Could you provide any clarification/confirmation on how counties are assessing properties with solar panels?"

Thanks!

Danette

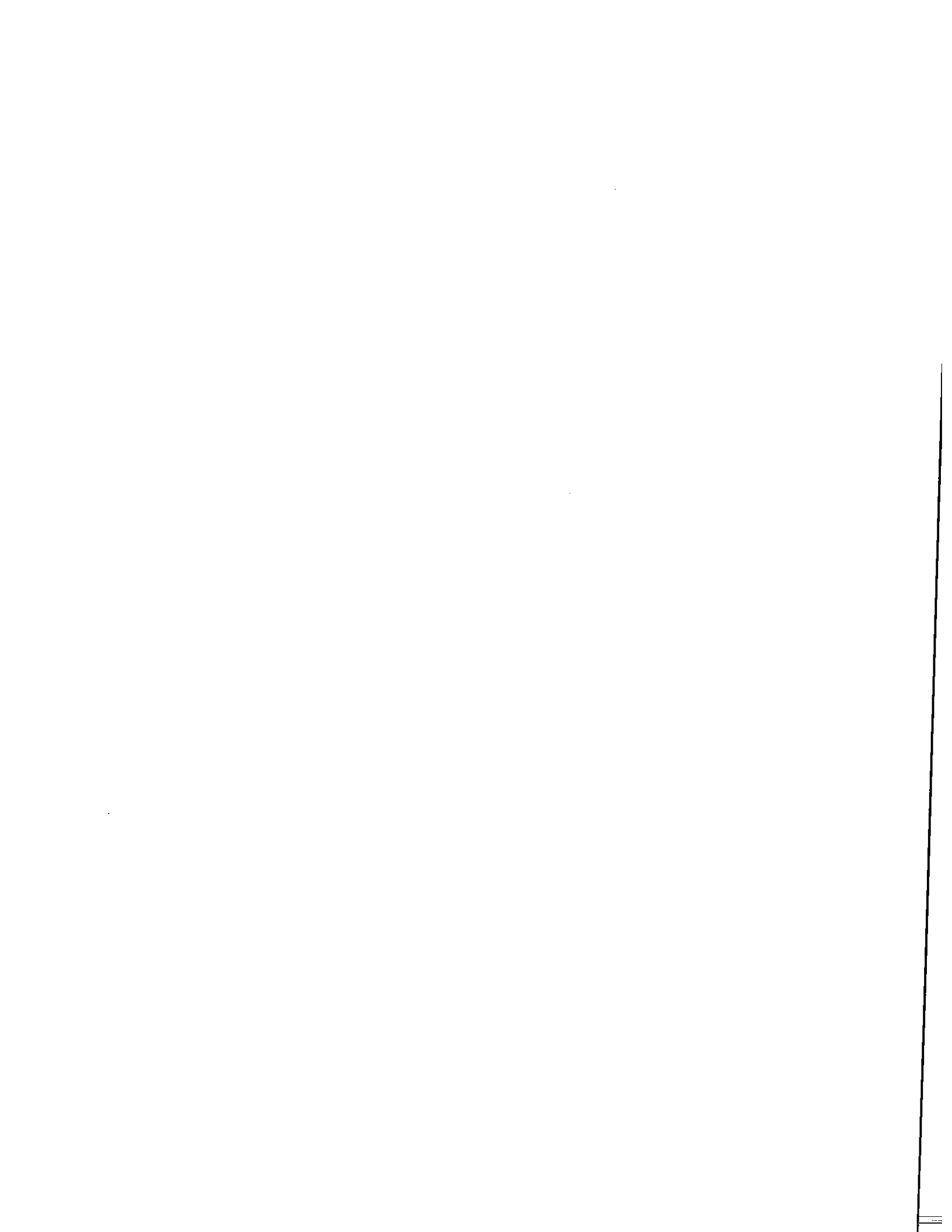
Danette Hobbs Magee
Senior Research Analyst
Local Government Commission
Pennsylvania General Assembly
506 Irvis Office Building
Senate Box 203078 | Harrisburg, PA 17120-3078
Phone: 717.787.7680 | Fax: 717.772.4524
dmagee@palegislature.us | www.lgc.state.pa.us | @PA LGC

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Debra Brown

From: Commissioner Dallara
Sent: Thursday, September 19, 2019 12:31 PM
To: rrose@reenergygroup.com
Subject: Solar project status

Rod, could you please provide the board of commissioners an update on our solar project. My understanding is that RER Energy is exploring two options and RER Energy will proceed rapidly once you determine which option is most advantageous for the county, and complies with CFA guidelines.
Sent from my iPhone



Debra Brown

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Monday, September 23, 2019 11:37 PM
To: Commissioner Crooks; Commissioner Lang; Commissioner Dallara
Subject: Project update

Commissioners,

Here is a brief update on the progress of the parallel paths of the project.

As you will recall we are pursuing 2 paths to bring this project to life.

- A) The original plan of withdraw from REC, Connect to Penelec and build the full array at the Jail.
- B) Divide the array into two, with a smaller array at the Jail to service the Jail, and another array at Milburn reservoir to service the other locations.

Progress on Path A - Our counsel, Kurt Karsten has been in contact with the Legal department at BREC and is negotiating with them regarding if and how we could withdraw and apply fro Penelec Service. After the initial conference, the counsels will talk again early next week with follow up issues. I will provide an Update when Kurt reports on the progress of this path.

Progress on Path B - The Bedford Borough Municipal Auth. voted last week to authorize the Borough to lease the Milburn reservoir property to the County for \$1 per acre per year for 30 years with 2 - 5 yr extension options. Furthermore, Penelec, agreed that the meter at Milburn could be reactivated, if the County had a service installed at the location (Some discussion of a construction trailer and or a Emergency Vehicle storage lot has been discussed briefly). While this path would require 2 x the engineering and 2x the interconnection costs, this may be the quickest path to realize the project at this time.

i will provide further updates as information comes in from Kurt and the BREC attorney's discussion.

Please email or call me with any questions on the above.

Looking forward to moving this project toward the finish.

Sincerely,

--

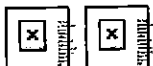
Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



[Learn More About RER in this Short Video](#)



Named one of the nation's fastest growing private companies for the fourth consecutive year.



Debra Brown

From: Commissioner Crooks
Sent: Tuesday, October 29, 2019 3:48 PM
To: Cindy Moore
Subject: FW: Invoice for speaker system used a announcement of Solar Panel project

Cindy

Here is the address to send this invoice to.

Paul

From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Tuesday, October 29, 2019 3:34 PM
To: Commissioner Crooks <pcrooks@bedfordcountypa.org>
Subject: Re: Invoice for speaker system used a announcement of Solar Panel project

Paul,

I believe this has already been paid but I will check with our accounting.
Please send to

Lois Beidler, Executive Assistant
RER Energy Group
lbeidler@rerenergygroup.com
4700 Pottsville Pike
Reading PA 19605

Thank you



Virus-free. www.avg.com

On Tue, Oct 29, 2019 at 3:03 PM Commissioner Crooks <pcrooks@bedfordcountypa.org> wrote:

Rob

For some reason, we keep receiving an invoice from Soaring Eagle Productions for the rental of sound equipment used at the announcement. Where would you want me to send this invoice to for payment? It is invoice # 1744 in the amount of \$53.00.

Paul

cc. C. Moore

ExchangeDefender Message Security: [Check Authenticity](#)

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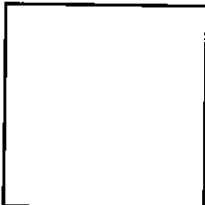
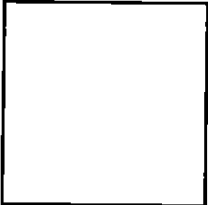
Rodney G. Rose, Esq.

Director of Business Development

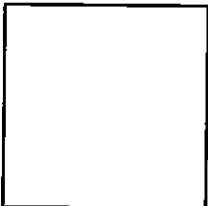
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o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)

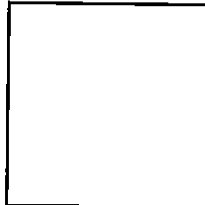
rrose@rerenergygroup.com | www.rerenergygroup.com



[Learn More About RER in this Short Video](#)



Named one of the nation's fastest growing private companies for the fourth consecutive year.



Virus-free. www.avg.com

Debra Brown

From: Commissioner Lang
Sent: Friday, November 8, 2019 12:53 PM
To: Rodney Rose
Cc: Commissioner Crooks; Commissioner Dallara
Subject: Re: Project update

Good afternoon,

Are there any updates on this matter?

Sent from my iPhone

On Sep 23, 2019, at 11:36 PM, Rodney Rose <rrose@reenergygroup.com> wrote:

Commissioners,

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- A) The original plan of withdraw from REC, Connect to Penelec and build the full array at the Jail.
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Please email or call me with any questions on the above.

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Sincerely,

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Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: [610-332-7232](tel:610-332-7232) c: [301-992-3007](tel:301-992-3007) f: [888-712-0734](tel:888-712-0734)

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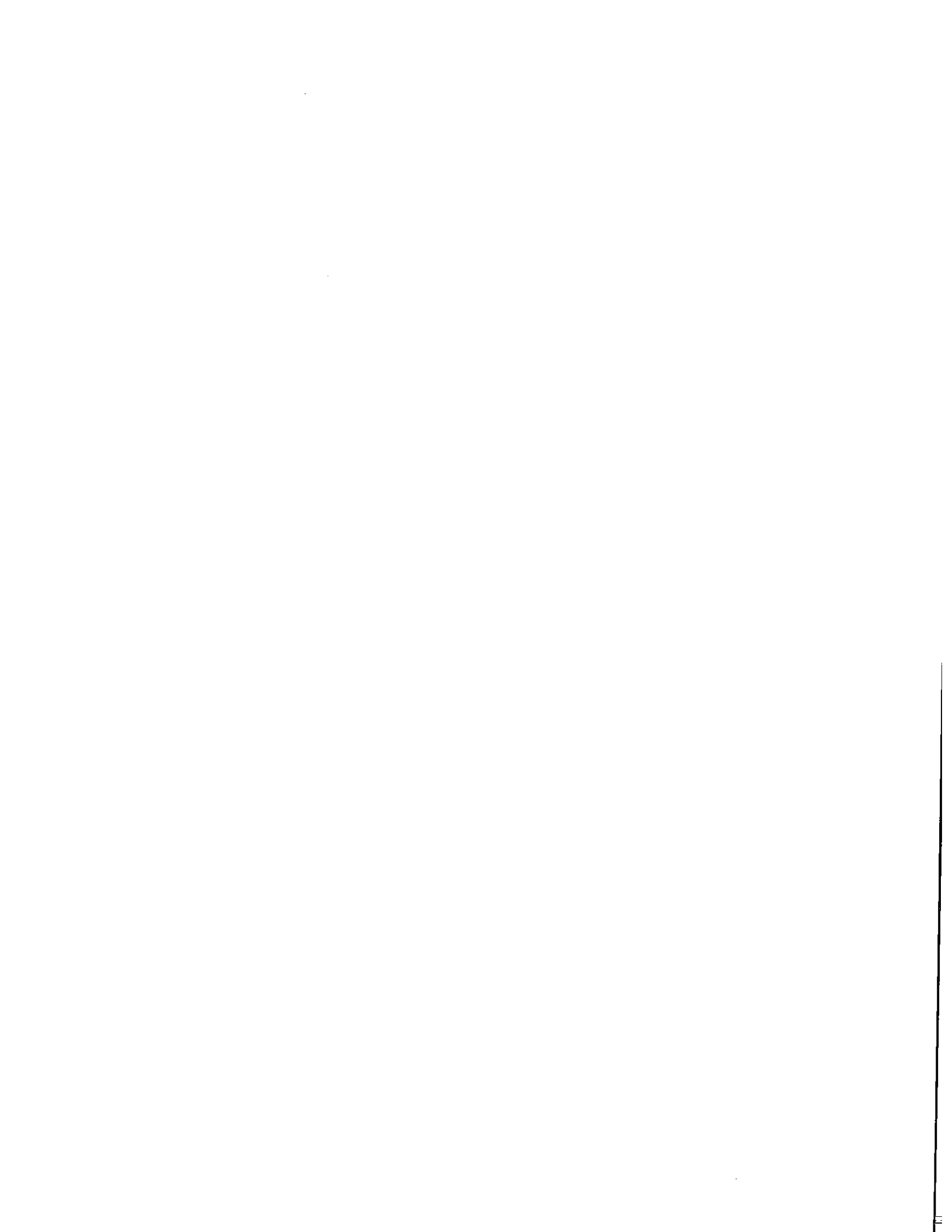


Debra Brown

From: Commissioner Dallara
Sent: Tuesday, December 3, 2019 8:38 PM
To: Commissioner Lang; Commissioner Crooks
Subject: Conference call with RER Energy

Josh and Paul, Rod Rose called me this afternoon to request a conference call with the three of us and his in house counsel. Would Thursday at either 9 am or 3:30 pm work for you. They are preparing for a PUC hearing to get permission to move forward on the right of way we own that will allow the proposed solar field at the BCCF to connect directly to a PENELEC power line.

Sent from my iPhone



Debra Brown

Subject: Invitation: Bedford Co. Comm. & RER Call - PUC Action @ Thu Dec 5, 2019 3:30pm - 4pm (EST) (bdallara@bedfordcountypa.org)

Start: Thu 12/5/2019 3:30 PM

End: Thu 12/5/2019 4:00 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Tentatively accepted

Organizer: rrose@rerenergygroup.com

You have been invited to the following event.

Bedford Co. Comm. & RER Call - PUC Action

When Thu Dec 5, 2019 3:30pm – 4pm Eastern Time - New York

Joining info meet.google.com/fct-taej-sju

Or dial: [+1 862-248-2067](tel:+18622482067) PIN: 423404054#

Calendar bdallara@bedfordcountypa.org

- Who**
- rrose@rerenergygroup.com - organizer
 - pcrooks@bedfordcountypa.org
 - Jim Kurtz
 - karstenlaw@gmail.com
 - bdallara@bedfordcountypa.org
 - jlang@bedfordcountypa.org

more details »

Going (bdallara@bedfordcountypa.org)? **Yes - Maybe - No more options »**

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account bdallara@bedfordcountypa.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More.](#)



Debra Brown

From: Commissioner Dallara
Sent: Wednesday, December 11, 2019 10:54 AM
To: Rodney Rose
Subject: Fwd: PAC050033, Bedford Borough Todd Springs Reservoir Solar Field

Rod, I'll call you this afternoon to debrief you on the meeting I had this morning with Mike Felix and Jennifer Kovacs. However they did share with me the email I am forwarding to you with this email indicating that there is supposed to be a conference call next Monday or Tuesday. We're you aware that this conference call is supposed to happen?

Sent from my iPhone

Begin forwarded message:

From: Jennifer Lentz Kovacs <jlentskovacs@bedfordcountyconservation.com>
Date: December 11, 2019 at 10:34:38 AM EST
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: FW: PAC050033, Bedford Borough Todd Springs Reservoir Solar Field

From: Mike Felix [mailto:mfelix@bedfordcountyconservation.com]
Sent: Wednesday, December 11, 2019 9:34 AM
To: jlentskovacs@bedfordcountyconservation.com
Subject: FW: PAC050033, Bedford Borough Todd Springs Reservoir Solar Field

See Nathan Phillips comments DEP

Thanks
Mike

From: Phillips, Nathan [mailto:natphillip@pa.gov]
Sent: Wednesday, December 11, 2019 9:22 AM
To: abiederman@rerenergygroup.com
Cc: Busher, Al; Mike Felix; Zeigler, Matthew
Subject: PAC050033, Bedford Borough Todd Springs Reservoir Solar Field

Mr. Biederman

The DEP and District have reviewed the response documents and there is a remaining deficiency to be addressed. Per the DEPs Permit Review Process, the application is now in the Elevated Review stage of the permit application review process. The DEP requests a phone conference with you and your consultant to discuss the remaining deficiency and the DEPs expectations for an adequate response. The DEP is available on the following dates and start times:

December 16, 2019 – 9 am, 10 am, 11 am, 1:30 pm, or 2:30 pm
December 17, 2019 – 1 pm

Times are a first come, first serve basis; please respond as soon as possible as the DEP calendars fill quickly.

The remaining deficiency was outlined to you in an email dated November 19, 2019 from the Bedford County Conservation District and is restated below for convenience:

The Technical Deficiency from the email dated November 19, 2019 and Technical Deficiency 18 from the District's Technical Deficiency Letter dated July 18, 2019 has not been adequately addressed. **Based on DEP field observation, at least one wetland regulated under Chapter 105 are present on the site but are not identified in the application. Revise the application to include all surface and regulated waters of the commonwealth and submit for all applicable 25 Pa. Code Chapter 105 permits. [25 Pa. Code §102.8(f)(5)]**

The September 13, 2019 response correctly states that management of vegetation is not a regulated activity (note that grubbing of stumps does require authorization). However, the response references Part IV, Section F, Subsection 4 of the Army Corps of Engineers (ACOE) 1987 Wetland Delineation Manual to assert that wetlands created by a non-regulated activity does not require a permit. This is not a correct interpretation of the 1987 Manual. The intent of Part IV, Section F, Subsection 4, as quoted, is to "determine whether a permit will be needed if the area is found to be a wetland." The step is not retro-actively determining whether a permit was required for the previous work, nor stating that impacts to man-induced wetlands does not need authorization, but sets out to determine whether a permit will be required. Regardless of ACOE jurisdiction, man-induced wetlands are not exempt from jurisdiction under the Commonwealth of Pennsylvania's regulations, 25 Pa Code Chapter 105. Therefore, provide an updated wetland delineation report and update plans to reflect all surface waters and regulated waters of the Commonwealth. Also, 25 Pa. Code Chapter 105 Water Obstruction and Encroachment permits are necessary, if work is proposed within the wetlands.

Best Regards

Nathan Phillips, P.E. | Permits Section Chief
Department of Environmental Protection | Waterways and Wetlands Program
Southcentral Regional Office
909 Elmerton Avenue | Harrisburg, PA 17110
Phone: 717.705.4798 | Fax: 717-705-4760
www.dep.pa.gov

The Department of Environmental Protection (DEP) has launched an e-permit for Chapter 105 Wetland and Waterway Obstruction and Encroachment General Permits to make application submittal and review more efficient and enable faster responses to applicants. Information on e-permits can be found on our website at <https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx>

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, December 11, 2019 3:10 PM
To: Rodney Rose
Subject: Re: PAC050033, Bedford Borough Todd Springs Reservoir Solar Field

Rod, during the meeting this morning with Mike Felix and Jennifer Kovacs, it was made clear that the local office will not approve the responses received from RER Energy to date. Mr Felix indicated that RER energy needs to address the areas identified in previous DEP correspondence.letter They appeared to indicate that the conference call referenced to occur on Dec. 16 or 17 is necessary not optional. I don't believe an in person meeting will change anything until RER adequately addresses the deficiencies noted in Mr Felix's review.

Sent from my iPhone

On Dec 11, 2019, at 2:09 PM, Rodney Rose <rrose@rerenergygroup.com> wrote:

We received the same email. hopefully it doesn't come to DEP review as that takes a lot of time. We hope to have the conversation with them before that to get them on our side regarding the project.

Thanks for all your help in this matter.

On Wed, Dec 11, 2019 at 10:53 AM Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:
Rod, I'll call you this afternoon to debrief you on the meeting I had this morning with mike Felix and Jennifer Kovacs. However they did share with me the email I am forwarding to you with this email indicating that there is supposed to be a conference call next Monday or Tuesday. We're you aware that this conference call is supposed to happen?

Sent from my iPhone

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To: jlentzkovacs@bedfordcountyconservation.com
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See Nathan Phillips comments DEP

Thanks

Mike

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Cc: Busher, Al; Mike Felix; Zeigler, Matthew
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Best Regards

Nathan Phillips, P.E. | Permits Section Chief
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Rodney G. Rose, Esq.

Director of Business Development

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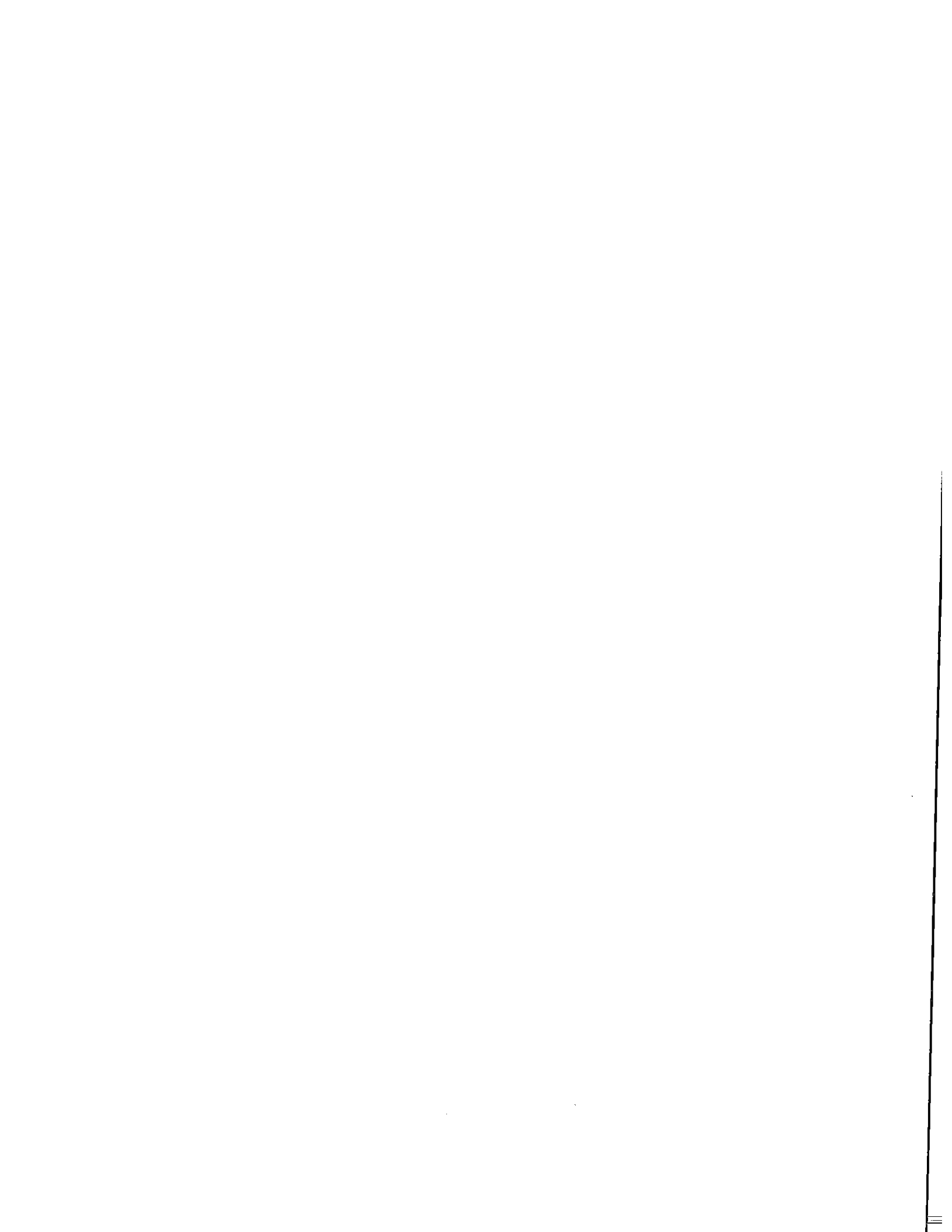


*Named one of the nation's fastest
growing private companies for the fourth
consecutive year.*



Debra Brown

From: Commissioner Dallara
Sent: Monday, December 16, 2019 8:50 AM
To: abiederman@reenergygroup.com
Subject: Declined: Invitation: Borough of Bedford Solar; PADEP - RER @ Tue Dec 17, 2019 1pm - 2pm (EST) (bdallara@bedfordcountypa.org)



Debra Brown

From: Commissioner Lang
Sent: Wednesday, December 18, 2019 2:09 PM
To: Dale Gates
Subject: Re: Bedford City Hall Parking Garage

I will get back to you shortly.

Sent from my iPhone

On Dec 18, 2019, at 1:30 PM, Dale Gates <dgates@bedfordcountypa.org> wrote:

From: tbrewer@eadsgroup.com <tbrewer@eadsgroup.com>
Sent: Wednesday, December 18, 2019 8:07 AM
To: Dale Gates <dgates@bedfordcountypa.org>
Subject: RE: Bedford City Hall Parking Garage

Dale,

Are there any requirements we need to be aware of for the project cover sheet? We are putting together the drawing package and we usually use a cover sheet similar to the attached one. We usually place a contract number on the cover sheet and the spec book. Is there a County contract number we need? Please see attached. I would like to advertise the project in February.

Thanks

Todd

From: Dale Gates <dgates@bedfordcountypa.org>
Sent: Tuesday, September 3, 2019 9:05 AM
To: tbrewer@eadsgroup.com
Subject: RE: Bedford City Hall Parking Garage

Todd,

The commissioners said to go ahead with the project the way it was with no roof

Thanks Dale

From: tbrewer@eadsgroup.com <tbrewer@eadsgroup.com>
Sent: Wednesday, August 28, 2019 4:02 PM
To: Dale Gates <dgates@bedfordcountypa.org>
Subject: Bedford City Hall Parking Garage

Dale,

I just spoke to Rodney Rose from RER energy group. If you would like us to include a roof on the parking garage we can certainly do that. The design of a roof is not part of our scope of work in our current agreement. If you would like, we could send you a proposal to supplement our original agreement to include the design and drawings for a roof.

Thank you

Todd

From: Dale Gates <dgates@bedfordcountypa.org>

Sent: Monday, August 26, 2019 2:57 PM

To: tbrewer@eadsgroup.com

Subject: parking garage

Todd ,

A representative from RER energy group may be contacting you to talk about the possibility of a roof on the parking garage for solar panels. I told them that you were working on a plan to fix the parking garage

thanks Dale Gates

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<Cover Page - Half Size.pdf>

Debra Brown

From: Commissioner Lang
Sent: Thursday, December 19, 2019 9:33 AM
To: Dale Gates
Subject: RE: Bedford City Hall Parking Garage

Depending on when the bid will be open this is how we assign contract numbers. For example our Windows 10 upgrade contract bid was to be open on July 30, 2019. So the contract number was 073019.

Josh Lang, Chairman
Bedford County Commissioner
200 S. Juliana Street
Bedford, PA 15522
(814) 623-4807
www.bedfordcountypa.org



From: Dale Gates <dgates@bedfordcountypa.org>
Sent: Wednesday, December 18, 2019 1:31 PM
To: Commissioner Lang <jlang@bedfordcountypa.org>
Subject: FW: Bedford City Hall Parking Garage

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garage

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ExchangeDefender Message Security: [Check Authenticity](#)

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Debra Brown

From: Commissioner Dallara
Sent: Friday, December 20, 2019 8:24 AM
To: rrose@rerenergygroup.com
Subject: Bedford County BCCF Solar Project

Rod, I had the opportunity to speak with Representative Jesse Topper yesterday to update him on several county initiatives. One of the projects I reviewed with him was the status of our solar project at the BCCF.

Rod, I am very concerned as is Representative Topper about the current status of the county solar project. Should our project fail to show significant progress in the very near future our credibility locally and with the Commonwealth Financing Authority will be negatively impacted making it very difficult for our county or RER Energy to receive any future support from the CFA for future projects.

The county needs to be updated in early January with a time line of how our solar project will be completed by June 30, 2020. Please be advised that I am receiving inquiries from local media about the status of The BCCF Solar Project. One even sarcastically asked if we are constructing a solar field or a greenhouse for growing tomatoes next year. Our new commissioner is asking many questions about county initiatives and she has heard from the incumbent commissioner regarding this project. I anticipate that we as commissioners will be questioned publicly about this project in January. My advise to them will be to refer all inquiries to RER Energy.

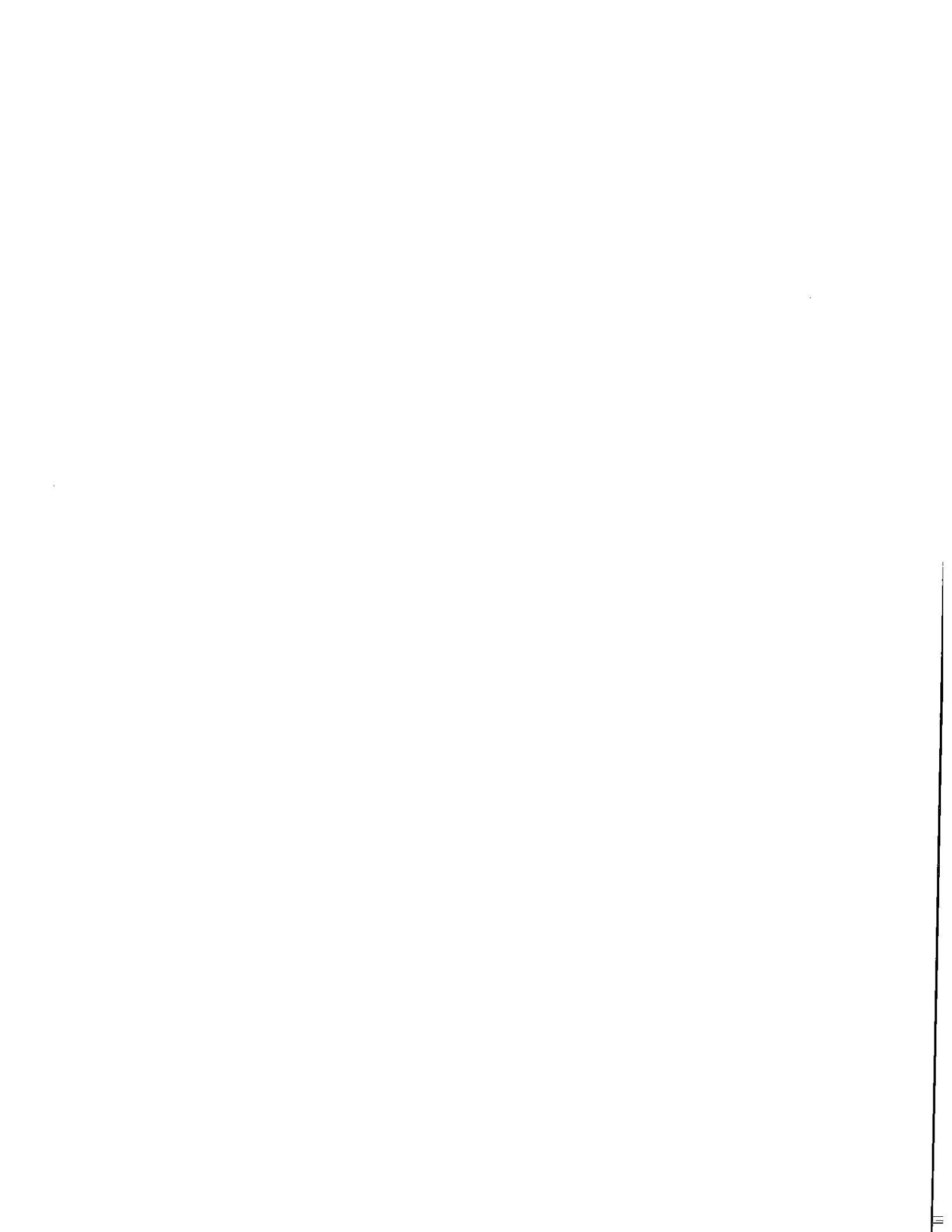
Rod, If RER Energy is committed to the option of using the county right of way to construct a direct connection to Penelec Transmission lines why doesn't RER Energy start constructing the solar field on the BCCF Campus immediately.?

We appear to be at a critical juncture with the viability of the county project in jeopardy. It is my sincere hope that we don't find ourselves in January defaulting on this project and all involved doing damage control instead of celebrating success. It is time for RER Energy to commit all necessary resources and take immediate action to insure the project is completed on time.

On a separate note, I also must state very clearly that I am not authorized to speak about the Borough of Bedford's solar project and cannot participate in conference calls or other meetings regarding the borough's solar project. I was more than willing to attempt to coordinate a meeting with the local soil conservation representatives for you, however any future issues involving the borough's project should be with the borough's established point of contact.

I will call you between 1 and 2 pm today to discuss our project in more detail. In conclusion, you are the only person receiving this email, share it with those you feel appropriate.

Sent from my iPad



Debra Brown

From: Dale Gates
Sent: Thursday, December 26, 2019 7:20 AM
To: tbrewer@eadsgroup.com
Subject: FW: Bedford City Hall Parking Garage

From: Commissioner Lang <jlang@bedfordcountypa.org>
Sent: Thursday, December 19, 2019 9:33 AM
To: Dale Gates <dgates@bedfordcountypa.org>
Subject: RE: Bedford City Hall Parking Garage

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Josh Lang, Chairman
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To: Commissioner Lang <jlang@bedfordcountypa.org>
Subject: FW: Bedford City Hall Parking Garage

From: tbrewer@eadsgroup.com <tbrewer@eadsgroup.com>
Sent: Wednesday, December 18, 2019 8:07 AM
To: Dale Gates <dgates@bedfordcountypa.org>
Subject: RE: Bedford City Hall Parking Garage

Dale,

Are there any requirements we need to be aware of for the project cover sheet? We are putting together the drawing package and we usually use a cover sheet similar to the attached one. We usually place a contract number on the cover

sheet and the spec book. Is there a County contract number we need? Please see attached. I would like to advertise the project in February.

Thanks

Todd

From: Dale Gates <dgates@bedfordcountypa.org>
Sent: Tuesday, September 3, 2019 9:05 AM
To: tbrewer@eadsgroup.com
Subject: RE: Bedford City Hall Parking Garage

Todd,

The commissioners said to go ahead with the project the way it was with no roof

Thanks Dale

From: tbrewer@eadsgroup.com <tbrewer@eadsgroup.com>
Sent: Wednesday, August 28, 2019 4:02 PM
To: Dale Gates <dgates@bedfordcountypa.org>
Subject: Bedford City Hall Parking Garage

Dale,

I just spoke to Rodney Rose from RER energy group. If you would like us to include a roof on the parking garage we can certainly do that. The design of a roof is not part of our scope of work in our current agreement. If you would like, we could send you a proposal to supplement our original agreement to include the design and drawings for a roof.

Thank you

Todd

From: Dale Gates <dgates@bedfordcountypa.org>
Sent: Monday, August 26, 2019 2:57 PM
To: tbrewer@eadsgroup.com
Subject: parking garage

Todd ,

A representative from RER energy group may be contacting you to talk about the possibility of a roof on the parking garage for solar panels. I told them that you were working on a plan to fix the parking

garage

thanks Dale Gates

ExchangeDefender Message Security: [Check Authenticity](#)

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, January 13, 2020 7:50 PM
To: Jim Kurtz; Mike Barnes
Cc: Rodney Rose; Commissioner Dallara; Commissioner Lang; Stephanie Brun de Pontet
Subject: PUC Petition for change of service at the Bedford County Jail
Attachments: PUC Complaint.v2.docx; ATT00001.htm

Jim, Mike and Commissioners Dallara and Lang,

Please see the first "redlined" draft of a Petition to the PUC to change service at the Jail property to Penelec, as we have discussed. I have not copied Commissioner Crooks as I understand he is no longer serving in that role, and I do not have the contact information for the new Commissioner, who I hope you will forward this to for her consideration and comment.

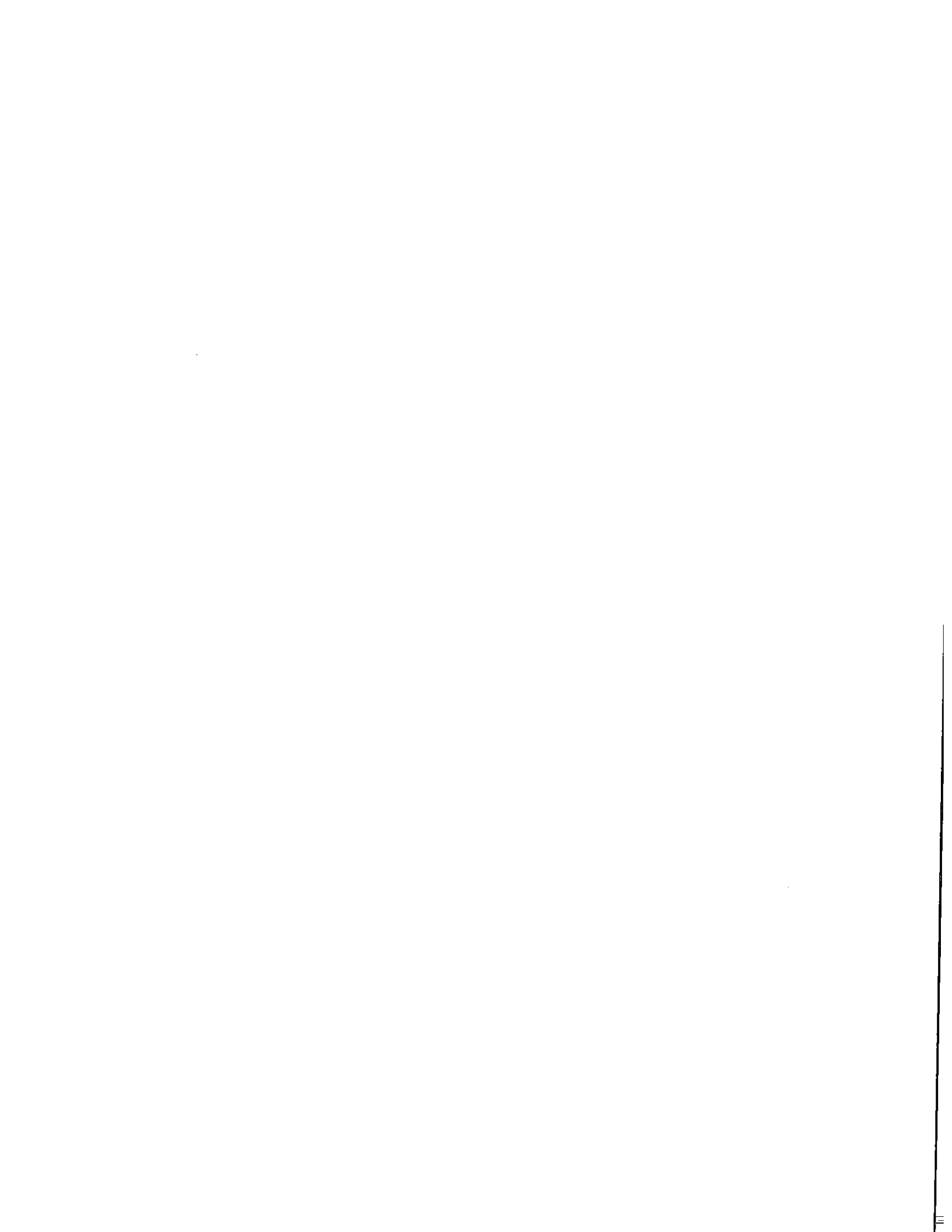
Rodney, you may want to further emphasize some attributes of the CFA grant - if so, let me know.

Once Jamie and I get a solid draft, we will work on the affidavit referenced in the body of the Petition. Please provide any comments, or raise any concerns or questions that occur to you. We want to properly represent the citizens of Bedford County, so any thoughts or concerns are important to us.

Thanks for your time,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners :
Complainant :
 :
v. : Docket No. C-2020-_____
 :
Bedford Rural Electric Cooperative, :
Respondent :

FORMAL COMPLAINT

Pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, Bedford County Board of Commissioners (“Bedford County”) submits this formal complaint against the Bedford Rural Electric Cooperative (“BREC”) alleging inadequate service by its existing retail electric supplier, entitling Bedford County to relief under Section 7355(c) of the Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c). In support of its Complaint, Bedford County states as follows:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission (“Commission”) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”) and, more specifically, to establish certified territory between retail electric suppliers where one supplier is an electric cooperative corporation and the other supplier is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service, pursuant to the Unincorporated Area Certified Territory Law of 1990 15 Pa.C.S. §§ 7351-7359 (the “Territory Law”).

2. Complainant is the Board of Commissioners of Bedford County, Pennsylvania, 200 South Juliana Street, Third Floor, Suite 301, Bedford, PA 15522. Bedford County is

organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs. The Board of Commissioners is the legislative and administrative body of county government in Bedford County. Complainant owns several pieces of real property that obtain electric service from Penelec and one piece of real property (the “Bedford County Jail”) that obtains electric service from Respondent BREC, even though the Bedford County Jail includes an abandoned railroad bed owned by Complainant that results in the Bedford County Jail property being partially in both Penelec service territory and in BREC service territory. The Bedford County Jail has traditionally received electric service from BREC and Bedford County is a member of BREC.

3. Counsel for Complainant is as follows:

James M. Van Nostrand
Of Counsel
Keyes & Fox LLP
275 Orchard Drive
Pittsburgh, PA 15228-2122
jvannostrand@keyesfox.com

4. Respondent is Bedford Rural Electric Cooperative, Inc., a non-profit electric cooperative incorporated on June 2, 1939, with a principal place of business at 8846 Lincoln Hwy, Bedford, PA 15522. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. BREC serves over 9,000 members (including Bedford County, due to the above described Bedford County Jail property) and maintains 9 substations and over 1,260 miles of line.

5. Penelec, a FirstEnergy company, is an electric distribution company with offices located at 2312-2334 Oakland Ave, Indiana, PA 15701. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility

service as an electric distribution company to the public for compensation, including multiple locations owned by Bedford County.

6. Both Penelec and BREC are “retail electric supplier[s]” under § 7352 of the Territory Law, 15 Pa.C.S. § 7352. Penelec and BREC have a mutual boundary in an unincorporated area of Bedford County that transects the Bedford County Jail property, as described above.

7. Under the Territory Law, the Commission has jurisdiction to establish the certified territory between retail electric suppliers, where one supplier is an electric cooperative (BREC) and the other potential supplier (Penelec) is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service. 15 Pa.C.S. § 7351

8. The Territory Law allows Bedford County to seek relief from inadequate service provided by BREC. Section 7355(c) provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

9. Bedford County seeks a ruling from the commission that, based upon the facts and circumstances described herein, the retail electric service being furnished by BREC to the Bedford County Jail location is inadequate and is not likely to be made adequate for the interests of its member, Bedford County Jail, and Complainant respectfully requests that the commission authorize Penelec be the retail electric supplier to the Bedford County Jail property for the reasons stated below.

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II. Background

A. The Proposed Project

109. With the help of a \$900,698.00 Grant awarded to Bedford County by the Commonwealth of Pennsylvania Commonwealth Financing Authority for the purposes of furthering Governor Thomas Wolfe’s policies of supporting renewable energy projects for the benefit of the citizens of Pennsylvania, Bedford County is developing a 1.838 megawatt (“MW”) aggregated virtual net metering solar array (the “Bedford Solar Project”) which will be situated on approximately 6 acres of land on the site of the Bedford County Jail, and which is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and in fact has the potential to provide several benefits to the Jail. Bedford County owns the parcel projected for the array and has signed a land lease authorizing the development on site.

~~10. The Bedford County Jail is currently served by BREC.~~

11. The overall budget for the Bedford Solar Project is \$3,327,070. As stated, the CFA Solar Energy Program has provided a grant in the amount of \$900,698 in funding toward the cost of the Bedford Solar Project, representing about 27% of the overall project budget. The remaining funding will be provided by the third party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners, General Energy Solutions (“GES”).

12. Pursuant to a Power Purchase Agreement (“PPA”) for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will provide 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project) and, as well, produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations providing significant savings to the citizens of Bedford County. GES will serve

~~as Project Financier. GES is a leading solar energy company with experienced project developers and financing specialists. Among other projects, GES designed, built, financed and operates the world's largest airport solar project (25-MW) in Indianapolis, Indiana. In the past two years, GES has developed over 200 MW of solar generation throughout the world.~~

13. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County's cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric service provided by both of the County's retail electric supplier (both Penelec and BREC.) The Bedford Solar Project is expected to produce savings of \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

B. Benefits of the Proposed Project to Bedford County

14. As stated, ~~t~~The taxpayers of Bedford County would receive substantial benefits from the financial savings created from the Bedford Solar Project. The Bedford County Jail is currently the single largest line item expenditure in the annual Bedford County budget. By significantly reducing the operation and maintenance costs of the Bedford County Jail facility—without requiring increases in taxation on the citizens of Bedford County—the Bedford Solar Project would provide a direct financial benefit to all taxpayers in Bedford County. Moreover, it would lessen the burden on the Commonwealth of Pennsylvania to support Bedford County Jail operations.

15. Virtual net metering of the Bedford Solar Project would enable Bedford County to use the electrical output of the Bedford Solar Project—which will produces electricity in excess of the Bedford County Jail's needs—to offset the electricity used at nearby Bedford County-

owned buildings, thereby providing additional financial benefits to all taxpayers in Bedford County.

C. Benefits of the Proposed Project to the Commonwealth

16. The Bedford Solar Project is consistent with Pennsylvania’s environmental objectives and, more specifically, the encouragement of growth in renewable energy to address climate and sustainability objectives. The development of renewable energy projects has been and continues to be encouraged by financial incentives, legislative changes, and most recently, Pennsylvania Governor Tom Wolf’s Executive Order to establish statewide goals to reduce carbon emissions.

17. Financial incentives from the private sector, state and federal grant programs, and a Federal Investment Tax Credit (“ITC”) directly support the development of solar generation. As detailed above, the Bedford Solar Project in particular is receiving nearly a third of its funding through a grant from the CFA Solar Energy Program – a grant which may be lost if the relief requested by this Petition is not obtained. While many state and federal grant programs have ended over the past few years, the ITC is still in effect and used by many solar developers and customers. Bedford 58 Solar, LLC successfully safe-harbored the 30% ITC in 2019 by purchasing all of the solar modules needed for the Project, which are currently being stored on-site at the Bedford County Jail. The PPA under which the Bedford Solar Project is being financed enables Bedford County to capture a portion of the federal ITC, ~~through the involvement of GES.~~ (As a unit of government, without the use of the third party ownership and the PPA, Bedford County would be unable to ~~take advantage of~~ get the benefit of the federal ITC for the sake of the Commonwealth’s taxpayers on its own.) Financial incentives make solar assets

less costly and reduce the payback, or break-even period, directly supporting a customer's ability to install solar assets at their homes and businesses.

18. Pennsylvania's Alternative Energy Portfolio Standard ("AEPS") encourages the development of solar generation within the Commonwealth. The AEPS was enacted in 2004 and became effective in February 2005; it has since been revised by Act 35 of 2007 (effective July 2007) and Act 129 of 2008 (effective November 2008). The AEPS establishes a goal of generating 0.5% of the Commonwealth's electricity supply from solar generation by compliance year 2020-2021.

19. In October of 2017, Governor Wolf signed Act 4010 into law, which effectively closed Pennsylvania's borders to solar renewable energy credits ("SRECs") generated from solar facilities outside of the Commonwealth.¹ This action supports the development of solar facilities within the Commonwealth inasmuch as electric distribution companies and electric generation suppliers must now fulfill their solar obligations under the AEPS from the generation of solar energy within the Commonwealth. As a requirement of the CFA grant program, Bedford 58 Solar, LLC has agreed to sign over all of the SRECs that will be generated by the Bedford Jail Project for the benefit of taxpayers of the Commonwealth.

20. The Pennsylvania Department of Environmental Protection ("DEP") in November 2018 released its Pennsylvania's Solar Future Plan ("PSFP").² The PSFP adopts a goal of ten percent (10%) of generation in Pennsylvania from distributed solar projects by 2030,

¹ Act 40 of 2017, H.B. 118, 2017 Pa. Laws 40.

² Pennsylvania Department of Environmental Protection, *Pennsylvania's Solar Future Plan*, November 2018, available at <http://www.depgreenport.state.pa.us/eLibrary/GetDocument?docId=1413595&DocName=PENNSYLVANIA%26%2339%3bS%20SOLAR%20FUTURE%20PLAN.PDF%20%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c%3e>

and identifies the expansion of virtual net metering opportunities as a key strategy to achieve that goal.³

21. On January 8, 2019, Governor Tom Wolf issued Executive Order No. 2019-01, “Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance,” which establishes the goal of achieving a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.⁴ Under the Executive Order, all agencies under the Governor’s jurisdiction are required to “[p]rocure renewable energy to offset at least 40 percent of the Commonwealth’s annual electricity use and evaluate opportunities to source electricity through Pennsylvania Certified Tier I credits, and/or direct purchase of renewable power generation sited within Pennsylvania.”

22. The Commission’s “Electric Power Outlook for Pennsylvania 2018-2023” states that “[o]ver 30 GW of new distributed solar photovoltaic is expected by the end of 2023.”⁵

D. The Impact of BREC’s Terms of Utility Service on the Bedford Solar Project

23. The terms of electric service available from BREC to members like Bedford County would result in the cancellation of the Bedford Solar Project, causing substantial economic damage to the taxpayers and citizens of Bedford County.

24. Under BREC’s Net Metering Rate Rider for Member-owned Alternative Energy Production Systems (attached hereto as Appendix B) (“Net Metering Rider”), the size of any “alternative energy system” interconnected with BREC is limited to 200 kilowatts (kW), which is substantially smaller than the 1.8 MW installation of the Bedford Solar Project.

³ *Id.* at iv.

⁴ Available at <https://www.governor.pa.gov/newsroom/executive-order-2019-01-commonwealth-leadership-in-addressing-climate-change-and-promoting-energy-conservation-and-sustainable-governance/>

⁵ Available at http://www.puc.state.pa.us/General/publications_reports/pdf/EPO_2019.pdf, page 5.

25. Unlike most electric distribution companies operating in Pennsylvania—which allow excess kilowatthours (kWhs) during any billing period to be carried over to successive periods, subject to an annual reconciliation—BREC’s Net Metering Rider prohibits such excess generation within a billing period to be carried over to succeeding billing periods. Rather, the energy produced by any alternative energy system during any billing period is purchased by BREC at a rate much lower than the applicable net metering rates (its retail price of electricity).

26. ~~And r~~Rather than using its own actual “avoided costs” as the price for such excess generation during a billing period—which is about seven cents per kWh—BREC uses the avoided costs of Allegheny Electric Cooperative, which is about 2.5 cents per kWh.

27. Under BREC’s Net Metering Rider, meter aggregation is permitted only if the other metered locations are also customers of BREC, and must be located within two miles of the alternative energy system. Bedford County sized the Bedford Solar Project to enable virtual net metering for other County-owned buildings, all of which, while are located within two miles of the Bedford Solar Project. ~~They are not served by BREC, however, but are located in the~~ adjacent Penelec’s adjacent-service territory.

28. As described in the Affidavit of _____, included as Appendix B, BREC is refusing to interconnect the Bedford Solar Project under the configuration proposed by Bedford County (i.e., with third-party ownership through a PPA and sized to accommodate virtual net metering of other County-owned buildings). [PROVIDE MORE DETAIL BASED ON THE CONTENT OF THE AFFIDAVIT]

29. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC buying all of the excess output of the Project each month at a rate of 2.5 cents per kWh, far below BREC’s retail rate (about 10.1 cents

per kWh) and its avoided costs (about 7 cents per kWh). BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project recited above.

30. The cancellation of the Bedford Solar Project would result in the loss of the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, as well as the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, as well as the loss of the substantial cost saving benefits to Bedford County and its taxpayers, as well as the loss of 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania's clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

E. The Proposed Solution

31. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

32. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec's net metering tariff sets a 2 MW cap on the size of distributed energy resources, and allows excess generation each month to be carried forward to successive months.

33. Under the proposed solution, Bedford County and its taxpayers would capture the economic benefits of the Bedford Solar Project: savings of over \$5.3 million in energy costs over

the 30-year estimated useful life of the Project. And the Commonwealth would benefit from 1.8 MW of renewable energy, thereby helping to achieve the aggressive GHG reduction goals in Governor Wolf's January 2019 Executive Order.

34. Although the point of delivery for service to the Bedford County Jail and interconnection of the Bedford Solar Project would be at the boundary line between BREC and Penelec, because the facility served is located within BREC's service territory, authorization from the Commission under the Territory Act is necessary.

III. Requested Relief

35. As noted above, § 7355(c) of the Territory Law provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

15 Pa.C.S. § 7355(c)

36. The retail electric service being furnished by BREC to the Bedford County Jail is inadequate. As described in the affidavit of _____, BREC refuses to interconnect the Bedford Solar Project as proposed, and refuses to allow a change of service to Penelec for its member, the Bedford County Jail, even though Bedford County has requested the right to withdraw from the Cooperative as a Member as provided for in the BREC Bylaws. Even if the Project could be interconnected, the terms under BREC's Net Metering Rider would enrich BREC at the expense of Bedford County taxpayers, and deny Bedford County and the taxpayers of the Commonwealth of Pennsylvania the economic benefits of the Project.

37. The inadequate retail electric service being furnished by BREC to the Bedford County Jail is not likely to be made adequate. As indicated in the affidavit of _____, there is no reason to expect BREC's position on interconnecting the Bedford Solar Project to

change. Nor is there any reason to believe that BREC will change the terms of its Net Metering Rider to bring it in line with the legally mandated practices-tariffs of other electric distribution companies in Pennsylvania (i.e., interconnecting distributed energy resources up to 2 MW, allowing excess generation each month to be carried forward ~~to subsequent months~~ on an annual basis, and paying the interconnecting utility's actual avoided cost for any excess generation on the basis of an annual reconciliation).

38. Section 7355(c) of the Territory Law empowers the Commission to grant relief to Bedford County, by authorizing another electric supplier—Penelec—to furnish retail electric service to the affected facility—the Bedford County Jail. Under Bedford County's proposed solution, the Bedford County Jail and the Bedford Solar Project could be interconnected with Penelec at the boundary of Penelec's service territory with BREC's service territory, without the need of obtaining any easements from third party landowners. All interconnection equipment would be located on Bedford County's property.

DRAFT – 01.07.20

WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC's retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

James M. Van Nostrand
Counsel for Bedford County

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: January __, 2020

APPENDICES

- A. Map of Service Territories
- B. Net Metering Rate Rider for Member-owned Alternative Energy Production Systems
- C. Affidavit of _____
- D. Map showing location of Bedford County Jail, railroad right-of-way, and boundary of Penelec service territory

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, January 14, 2020 8:45 AM
To: Commissioner Baughman
Cc: Commissioner Lang
Subject: Fwd: PUC Petition for change of service at the Bedford County Jail
Attachments: PUC Complaint.v2.docx; ATT00001.htm

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Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: January 13, 2020 at 7:50:28 PM EST
To: Jim Kurtz <jkurtz@reenergygroup.com>, Mike Barnes <mbarnes@reenergygroup.com>
Cc: Rodney Rose <rrose@reenergygroup.com>, Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Lang <jlang@bedfordcountypa.org>, Stephanie Brun de Pontet <sbrundepontet@sunvestmentgroup.com>
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14. As stated, ~~t~~The taxpayers of Bedford County would receive substantial benefits from the financial savings created from the Bedford Solar Project. The Bedford County Jail is currently the single largest line item expenditure in the annual Bedford County budget. By significantly reducing the operation and maintenance costs of the Bedford County Jail facility—without requiring increases in taxation on the citizens of Bedford County—the Bedford Solar Project would provide a direct financial benefit to all taxpayers in Bedford County. Moreover, it would lessen the burden on the Commonwealth of Pennsylvania to support Bedford County Jail operations.

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As detailed above, the Bedford Solar Project in particular is receiving nearly a third of its funding through a grant from the CFA Solar Energy Program – a grant which may be lost if the relief requested by this Petition is not obtained. While many state and federal grant programs have ended over the past few years, the ITC is still in effect and used by many solar developers and customers. Bedford 58 Solar, LLC successfully safe-harbored the 30% ITC in 2019 by purchasing all of the solar modules needed for the Project, which are currently being stored on-site at the Bedford County Jail. The PPA under which the Bedford Solar Project is being financed enables Bedford County to capture a portion of the federal ITC, ~~through the involvement of GES.~~ (As a unit of government, without the use of the third party ownership and the PPA, Bedford County would be unable to take advantage of the benefit of the federal ITC for the sake of the Commonwealth’s taxpayers on its own.) Financial incentives make solar assets

less costly and reduce the payback, or break-even period, directly supporting a customer’s ability to install solar assets at their homes and businesses.

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and identifies the expansion of virtual net metering opportunities as a key strategy to achieve that goal.³

21. On January 8, 2019, Governor Tom Wolf issued Executive Order No. 2019-01, “Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance,” which establishes the goal of achieving a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.⁴ Under the Executive Order, all agencies under the Governor’s jurisdiction are required to “[p]rocure renewable energy to offset at least 40 percent of the Commonwealth’s annual electricity use and evaluate opportunities to source electricity through Pennsylvania Certified Tier I credits, and/or direct purchase of renewable power generation sited within Pennsylvania.”

22. The Commission’s “Electric Power Outlook for Pennsylvania 2018-2023” states that “[o]ver 30 GW of new distributed solar photovoltaic is expected by the end of 2023.”⁵

D. The Impact of BREC’s Terms of Utility Service on the Bedford Solar Project

23. The terms of electric service available from BREC to members like Bedford County would result in the cancellation of the Bedford Solar Project, causing substantial economic damage to the taxpayers and citizens of Bedford County.

24. Under BREC’s Net Metering Rate Rider for Member-owned Alternative Energy Production Systems (attached hereto as Appendix B) (“Net Metering Rider”), the size of any “alternative energy system” interconnected with BREC is limited to 200 kilowatts (kW), which is substantially smaller than the 1.8 MW installation of the Bedford Solar Project.

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26. ~~And r~~Rather than using its own actual “avoided costs” as the price for such excess generation during a billing period—which is about seven cents per kWh—BREC uses the avoided costs of Allegheny Electric Cooperative, which is about 2.5 cents per kWh.

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28. As described in the Affidavit of _____, included as Appendix B, BREC is refusing to interconnect the Bedford Solar Project under the configuration proposed by Bedford County (i.e., with third-party ownership through a PPA and sized to accommodate virtual net metering of other County-owned buildings). [PROVIDE MORE DETAIL BASED ON THE CONTENT OF THE AFFIDAVIT]

29. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC buying all of the excess output of the Project each month at a rate of 2.5 cents per kWh, far below BREC’s retail rate (about 10.1 cents

per kWh) and its avoided costs (about 7 cents per kWh). BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project recited above.

30. The cancellation of the Bedford Solar Project would result in the loss of the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, as well as the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, as well as the loss of the substantial cost saving benefits to Bedford County and its taxpayers, as well as the loss of 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania’s clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

E. The Proposed Solution

31. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project toof other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

32. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec’s net metering tariff sets a 2 MW cap on the size of distributed energy resources, and allows excess generation each month to be carried forward to successive months.

33. Under the proposed solution, Bedford County and its taxpayers would capture the economic benefits of the Bedford Solar Project: savings of over \$5.3 million in energy costs over

the 30-year estimated useful life of the Project. And the Commonwealth would benefit from 1.8 MW of renewable energy, thereby helping to achieve the aggressive GHG reduction goals in Governor Wolf's January 2019 Executive Order.

34. Although the point of delivery for service to the Bedford County Jail and interconnection of the Bedford Solar Project would be at the boundary line between BREC and Penelec, because the facility served is located within BREC's service territory, authorization from the Commission under the Territory Act is necessary.

III. Requested Relief

35. As noted above, § 7355(c) of the Territory Law provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

15 Pa.C.S. § 7355(c)

36. The retail electric service being furnished by BREC to the Bedford County Jail is inadequate. As described in the affidavit of _____, BREC refuses to interconnect the Bedford Solar Project as proposed, and refuses to allow a change of service to Penelec for its member, the Bedford County Jail, even though Bedford County has requested the right to withdraw from the Cooperative as a Member as provided for in the BREC Bylaws. Even if the Project could be interconnected, the terms under BREC's Net Metering Rider would enrich BREC at the expense of Bedford County taxpayers, and deny Bedford County and the taxpayers of the Commonwealth of Pennsylvania the economic benefits of the Project.

37. The inadequate retail electric service being furnished by BREC to the Bedford County Jail is not likely to be made adequate. As indicated in the affidavit of _____, there is no reason to expect BREC's position on interconnecting the Bedford Solar Project to

change. Nor is there any reason to believe that BREC will change the terms of its Net Metering Rider to bring it in line with ~~the legally mandated practices tariffs~~ of other electric distribution companies in Pennsylvania (i.e., interconnecting distributed energy resources up to 2 MW, allowing excess generation each month to be carried forward ~~to subsequent monthson an annual basis~~, and paying the interconnecting utility's actual avoided cost for any excess generation on the basis of an annual reconciliation).

38. Section 7355(c) of the Territory Law empowers the Commission to grant relief to Bedford County, by authorizing another electric supplier—Penelec—to furnish retail electric service to the affected facility—the Bedford County Jail. Under Bedford County's proposed solution, the Bedford County Jail and the Bedford Solar Project could be interconnected with Penelec at the boundary of Penelec's service territory with BREC's service territory, without the need of obtaining any easements from third party landowners. All interconnection equipment would be located on Bedford County's property.

DRAFT – 01.07.20

WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC’s retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

James M. Van Nostrand
Counsel for Bedford County

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: January __, 2020

APPENDICES

- A. Map of Service Territories
- B. Net Metering Rate Rider for Member-owned Alternative Energy Production Systems
- C. Affidavit of _____
- D. Map showing location of Bedford County Jail, railroad right-of-way, and boundary of Penelec service territory

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, January 14, 2020 8:49 AM
To: Kurt Karsten
Cc: Jim Kurtz; Mike Barnes; Rodney Rose; Commissioner Lang; Stephanie Brun de Pontet
Subject: Re: PUC Petition for change of service at the Bedford County Jail

Kurt, glad to see some movement on our solar energy project. For your information, our new commissioner is Commissioner Debra Baughman, her email is dbaughman@bedfordcountypa.org.

Sent from my iPhone

On Jan 13, 2020, at 7:50 PM, Kurt Karsten <karstenlaw@gmail.com> wrote:

Jim, Mike and Commissioners Dallara and Lang,

Please see the first "redlined" draft of a Petition to the PUC to change service at the Jail property to Penelec, as we have discussed. I have not copied Commissioner Crooks as I understand he is no longer serving in that role, and I do not have the contact information for the new Commissioner, who I hope you will forward this to for her consideration and comment.

Rodney, you may want to further emphasize some attributes of the CFA grant - if so, let me know.

Once Jamie and I get a solid draft, we will work on the affidavit referenced in the body of the Petition. Please provide any comments, or raise any concerns or questions that occur to you. We want to properly represent the citizens of Bedford County, so any thoughts or concerns are important to us.

Thanks for your time,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

<PUC Complaint.v2.docx>

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, January 14, 2020 8:57 AM
To: Commissioner Baughman
Cc: Commissioner Dallara; Commissioner Lang; Jim Kurtz; Mike Barnes; Rodney Rose; Stephanie Brun de Pontet
Subject: Fwd: PUC Petition for change of service at the Bedford County Jail
Attachments: PUC Complaint.v2.docx; ATT00001.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Commissioner Baughman,

Commissioner Dallara kindly provided me with your contact information. Attached please find the email I sent yesterday evening with the Draft Petition to change electric service providers for the Bedford County Jail, for review and comment, as per the email.

I am looking forward to meeting you and working on a successful resolution of this project!

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Subject: PUC Petition for change of service at the Bedford County Jail
Date: January 13, 2020 at 7:50:17 PM EST
To: Jim Kurtz <jkurtz@rerenergygroup.com>, Mike Barnes <mbarnes@rerenergygroup.com>
Cc: Rodney Rose <rrose@rerenergygroup.com>, Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Lang <clang@bedfordcountypa.org>, Stephanie Brun de Pontet <sbrundepontet@sunvestmentgroup.com>

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners	:		
Complainant	:		
	:		
v.	:	Docket No. C-2020-	_____
	:		
Bedford Rural Electric Cooperative,	:		
Respondent	:		

FORMAL COMPLAINT

Pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, Bedford County Board of Commissioners (“Bedford County”) submits this formal complaint against the Bedford Rural Electric Cooperative (“BREC”) alleging inadequate service by its existing retail electric supplier, entitling Bedford County to relief under Section 7355(c) of the Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c). In support of its Complaint, Bedford County states as follows:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission (“Commission”) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”) and, more specifically, to establish certified territory between retail electric suppliers where one supplier is an electric cooperative corporation and the other supplier is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service, pursuant to the Unincorporated Area Certified Territory Law of 1990 15 Pa.C.S. §§ 7351-7359 (the “Territory Law”).

2. Complainant is the Board of Commissioners of Bedford County, Pennsylvania, 200 South Juliana Street, Third Floor, Suite 301, Bedford, PA 15522. Bedford County is

organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs. The Board of Commissioners is the legislative and administrative body of county government in Bedford County. Complainant owns several pieces of real property that obtain electric service from Penelec and one piece of real property (the “Bedford County Jail”) that obtains electric service from Respondent BREC, even though the Bedford County Jail includes an abandoned railroad bed owned by Complainant that results in the Bedford County Jail property being partially in both Penelec service territory and in BREC service territory. The Bedford County Jail has traditionally received electric service from BREC and Bedford County is a member of BREC.

3. Counsel for Complainant is as follows:

James M. Van Nostrand
Of Counsel
Keyes & Fox LLP
275 Orchard Drive
Pittsburgh, PA 15228-2122
jvannostrand@keyesfox.com

4. Respondent is Bedford Rural Electric Cooperative, Inc., a non-profit electric cooperative incorporated on June 2, 1939, with a principal place of business at 8846 Lincoln Hwy, Bedford, PA 15522. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. BREC serves over 9,000 members (including Bedford County, due to the above described Bedford County Jail property) and maintains 9 substations and over 1,260 miles of line.

5. Penelec, a FirstEnergy company, is an electric distribution company with offices located at 2312-2334 Oakland Ave, Indiana, PA 15701. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility

service as an electric distribution company to the public for compensation, including multiple locations owned by Bedford County.

6. Both Penelec and BREC are “retail electric supplier[s]” under § 7352 of the Territory Law, 15 Pa.C.S. § 7352. Penelec and BREC have a mutual boundary in an unincorporated area of Bedford County that transects the Bedford County Jail property, as described above.

7. Under the Territory Law, the Commission has jurisdiction to establish the certified territory between retail electric suppliers, where one supplier is an electric cooperative (BREC) and the other potential supplier (Penelec) is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service. 15 Pa.C.S. § 7351

8. The Territory Law allows Bedford County to seek relief from inadequate service provided by BREC. Section 7355(c) provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

9. Bedford County seeks a ruling from the commission that, based upon the facts and circumstances described herein, the retail electric service being furnished by BREC to the Bedford County Jail location is inadequate and is not likely to be made adequate for the interests of its member, Bedford County Jail, and Complainant respectfully requests that the commission authorize Penelec be the retail electric supplier to the Bedford County Jail property for the reasons stated below.

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II. Background

A. *The Proposed Project*

109. With the help of a \$900,698.00 Grant awarded to Bedford County by the Commonwealth of Pennsylvania Commonwealth Financing Authority for the purposes of furthering Governor Thomas Wolfe's policies of supporting renewable energy projects for the benefit of the citizens of Pennsylvania, Bedford County is developing a 1.838 megawatt ("MW") aggregated virtual net metering solar array (the "Bedford Solar Project") which will be situated on approximately 6 acres of land on the site of the Bedford County Jail, and which is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and in fact has the potential to provide several benefits to the Jail. Bedford County owns the parcel projected for the array and has signed a land lease authorizing the development on site.

~~10. — The Bedford County Jail is currently served by BREC.~~

11. The overall budget for the Bedford Solar Project is \$3,327,070. As stated, ~~(The~~ CFA Solar Energy Program has provided a grant in the amount of \$900,698 in funding toward the cost of the Bedford Solar Project, representing about 27% of the overall project budget. The remaining funding will be provided by the third party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners, ~~General Energy Solutions ("GES").~~

12. Pursuant to a Power Purchase Agreement ("PPA") for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will provide 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project) and, as well, produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations providing significant savings to the citizens of Bedford County. ~~GES will serve~~

~~as Project Financier. GES is a leading solar energy company with experienced project developers and financing specialists. Among other projects, GES designed, built, financed and operates the world's largest airport solar project (25 MW) in Indianapolis, Indiana. In the past two years, GES has developed over 200 MW of solar generation throughout the world.~~

13. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County's cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric service provided by both of the County's retail electric supplier (both Penelec and BREC.) The Bedford Solar Project is expected to produce savings of \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

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29. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC buying all of the excess output of the Project each month at a rate of 2.5 cents per kWh, far below BREC’s retail rate (about 10.1 cents

per kWh) and its avoided costs (about 7 cents per kWh). BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project recited above.

30. The cancellation of the Bedford Solar Project would result in the loss of the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, as well as the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, as well as the loss of the substantial cost saving benefits to Bedford County and its taxpayers, as well as the loss of 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania's clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

E. The Proposed Solution

31. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

32. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec's net metering tariff sets a 2 MW cap on the size of distributed energy resources, and allows excess generation each month to be carried forward to successive months.

33. Under the proposed solution, Bedford County and its taxpayers would capture the economic benefits of the Bedford Solar Project: savings of over \$5.3 million in energy costs over

the 30-year estimated useful life of the Project. And the Commonwealth would benefit from 1.8 MW of renewable energy, thereby helping to achieve the aggressive GHG reduction goals in Governor Wolf's January 2019 Executive Order.

34. Although the point of delivery for service to the Bedford County Jail and interconnection of the Bedford Solar Project would be at the boundary line between BREC and Penelec, because the facility served is located within BREC's service territory, authorization from the Commission under the Territory Act is necessary.

III. Requested Relief

35. As noted above, § 7355(c) of the Territory Law provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

15 Pa.C.S. § 7355(c)

36. The retail electric service being furnished by BREC to the Bedford County Jail is inadequate. As described in the affidavit of _____, BREC refuses to interconnect the Bedford Solar Project as proposed, and refuses to allow a change of service to Penelec for its member, the Bedford County Jail, even though Bedford County has requested the right to withdraw from the Cooperative as a Member as provided for in the BREC Bylaws. Even if the Project could be interconnected, the terms under BREC's Net Metering Rider would enrich BREC at the expense of Bedford County taxpayers, and deny Bedford County and the taxpayers of the Commonwealth of Pennsylvania the economic benefits of the Project.

37. The inadequate retail electric service being furnished by BREC to the Bedford County Jail is not likely to be made adequate. As indicated in the affidavit of _____, there is no reason to expect BREC's position on interconnecting the Bedford Solar Project to

change. Nor is there any reason to believe that BREC will change the terms of its Net Metering Rider to bring it in line with ~~the legally mandated practices-tariffs~~ of other electric distribution companies in Pennsylvania (i.e., interconnecting distributed energy resources up to 2 MW, allowing excess generation each month to be carried forward ~~to subsequent monthson an annual basis~~, and paying the interconnecting utility's actual avoided cost for any excess generation on the basis of an annual reconciliation).

38. Section 7355(c) of the Territory Law empowers the Commission to grant relief to Bedford County, by authorizing another electric supplier—Penelec—to furnish retail electric service to the affected facility—the Bedford County Jail. Under Bedford County's proposed solution, the Bedford County Jail and the Bedford Solar Project could be interconnected with Penelec at the boundary of Penelec's service territory with BREC's service territory, without the need of obtaining any easements from third party landowners. All interconnection equipment would be located on Bedford County's property.

DRAFT – 01.07.20

WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC’s retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

James M. Van Nostrand
Counsel for Bedford County

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: January __, 2020

APPENDICES

- A. Map of Service Territories
- B. Net Metering Rate Rider for Member-owned Alternative Energy Production Systems
- C. Affidavit of _____
- D. Map showing location of Bedford County Jail, railroad right-of-way, and boundary of Penelec service territory

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, January 14, 2020 2:31 PM
To: Commissioner Dallara
Subject: Re: PUC Petition for change of service at the Bedford County Jail

Commissioner Dallara,

Please let me know if I should anticipate specific commentary on the Draft Petition from the Commissioners - or if we should move forward with this Draft once we finalize it. Just want to manage the process and keep things moving appropriately.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

On Jan 14, 2020, at 8:49 AM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

Kurt, glad to see some movement on our solar energy project. For your information, our new commissioner is Commissioner Debra Baughman, her email is dbaughman@bedfordcountypa.org.

Sent from my iPhone

On Jan 13, 2020, at 7:50 PM, Kurt Karsten <karstenlaw@gmail.com> wrote:

Jim, Mike and Commissioners Dallara and Lang,

Please see the first "redlined" draft of a Petition to the PUC to change service at the Jail property to Penelec, as we have discussed. I have not copied Commissioner Crooks as I understand he is no longer serving in that role, and I do not have the contact information for the new Commissioner, who I hope you will forward this to for her consideration and comment.

Rodney, you may want to further emphasize some attributes of the CFA grant - if so, let me know.

Once Jamie and I get a solid draft, we will work on the affidavit referenced in the body of the Petition. Please provide any comments, or raise any concerns or questions that occur to you. We want to properly represent the citizens of Bedford County, so any thoughts or concerns are important to us.

Thanks for your time,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

<PUC Complaint.v2.docx>

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, January 15, 2020 7:39 PM
To: Kurt Karsten
Subject: Re: PUC Petition for change of service at the Bedford County Jail

Kurt, I'll talk to the other commissioners tomorrow and give u our response.

Sent from my iPhone

On Jan 14, 2020, at 2:30 PM, Kurt Karsten <karstenlaw@gmail.com> wrote:

Commissioner Dallara,

Please let me know if I should anticipate specific commentary on the Draft Petition form the Commissioners - or if we should move forward with this Draft once we finalize it. Just want to manage the process and keep things moving appropriately.

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621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

<PUC Complaint.v2.docx>

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, January 15, 2020 7:41 PM
To: Larry Myers
Subject: Fwd: PUC Petition for change of service at the Bedford County Jail
Attachments: PUC Complaint.v2.docx; ATT00001.htm

Please let me know your thoughts?
Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: January 13, 2020 at 7:50:28 PM EST
To: Jim Kurtz <jkurtz@rerenergygroup.com>, Mike Barnes <mbarnes@rerenergygroup.com>
Cc: Rodney Rose <rrose@rerenergygroup.com>, Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Lang <jlang@bedfordcountypa.org>, Stephanie Brun de Pontet <sbrundepontet@sunvestmentgroup.com>
Subject: PUC Petition for change of service at the Bedford County Jail

Jim, Mike and Commissioners Dallara and Lang,

Please see the first "redlined" draft of a Petition to the PUC to change service at the Jail property to Penelec, as we have discussed. I have not copied Commissioner Crooks as I understand he is no longer serving in that role, and I do not have the contact information for the new Commissioner, who I hope you will forward this to for her consideration and comment.

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Thanks for your time,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners	:		
Complainant	:		
	:		
v.	:	Docket No. C-2020-	_____
	:		
Bedford Rural Electric Cooperative,	:		
Respondent	:		

FORMAL COMPLAINT

Pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, Bedford County Board of Commissioners (“Bedford County”) submits this formal complaint against the Bedford Rural Electric Cooperative (“BREC”) alleging inadequate service by its existing retail electric supplier, entitling Bedford County to relief under Section 7355(c) of the Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c). In support of its Complaint, Bedford County states as follows:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission (“Commission”) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”) and, more specifically, to establish certified territory between retail electric suppliers where one supplier is an electric cooperative corporation and the other supplier is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service, pursuant to the Unincorporated Area Certified Territory Law of 1990 15 Pa.C.S. §§ 7351-7359 (the “Territory Law”).

2. Complainant is the Board of Commissioners of Bedford County, Pennsylvania, 200 South Juliana Street, Third Floor, Suite 301, Bedford, PA 15522. Bedford County is

organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs. The Board of Commissioners is the legislative and administrative body of county government in Bedford County. Complainant owns several pieces of real property that obtain electric service from Penelec and one piece of real property (the “Bedford County Jail”) that obtains electric service from Respondent BREC, even though the Bedford County Jail includes an abandoned railroad bed owned by Complainant that results in the Bedford County Jail property being partially in both Penelec service territory and in BREC service territory. The Bedford County Jail has traditionally received electric service from BREC and Bedford County is a member of BREC.

3. Counsel for Complainant is as follows:

James M. Van Nostrand
Of Counsel
Keyes & Fox LLP
275 Orchard Drive
Pittsburgh, PA 15228-2122
jvannostrand@keyesfox.com

4. Respondent is Bedford Rural Electric Cooperative, Inc., a non-profit electric cooperative incorporated on June 2, 1939, with a principal place of business at 8846 Lincoln Hwy, Bedford, PA 15522. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. BREC serves over 9,000 members (including Bedford County, due to the above described Bedford County Jail property) and maintains 9 substations and over 1,260 miles of line.

5. Penelec, a FirstEnergy company, is an electric distribution company with offices located at 2312-2334 Oakland Ave, Indiana, PA 15701. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility

service as an electric distribution company to the public for compensation, including multiple locations owned by Bedford County.

6. Both Penelec and BREC are “retail electric supplier[s]” under § 7352 of the Territory Law, 15 Pa.C.S. § 7352. Penelec and BREC have a mutual boundary in an unincorporated area of Bedford County that transects the Bedford County Jail property, as described above.

7. Under the Territory Law, the Commission has jurisdiction to establish the certified territory between retail electric suppliers, where one supplier is an electric cooperative (BREC) and the other potential supplier (Penelec) is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service. 15 Pa.C.S. § 7351

8. The Territory Law allows Bedford County to seek relief from inadequate service provided by BREC. Section 7355(c) provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

9. Bedford County seeks a ruling from the commission that, based upon the facts and circumstances described herein, the retail electric service being furnished by BREC to the Bedford County Jail location is inadequate and is not likely to be made adequate for the interests of its member, Bedford County Jail, and Complainant respectfully requests that the commission authorize Penelec be the retail electric supplier to the Bedford County Jail property for the reasons stated below.

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II. Background

A. *The Proposed Project*

109. With the help of a \$900,698.00 Grant awarded to Bedford County by the Commonwealth of Pennsylvania Commonwealth Financing Authority for the purposes of furthering Governor Thomas Wolfe’s policies of supporting renewable energy projects for the benefit of the citizens of Pennsylvania, Bedford County is developing a 1.838 megawatt (“MW”) aggregated virtual net metering solar array (the “Bedford Solar Project”) which will be situated on approximately 6 acres of land on the site of the Bedford County Jail, and which is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and in fact has the potential to provide several benefits to the Jail. Bedford County owns the parcel projected for the array and has signed a land lease authorizing the development on site.

~~10. — The Bedford County Jail is currently served by BREC.~~

11. The overall budget for the Bedford Solar Project is \$3,327,070. As stated, ~~the~~ CFA Solar Energy Program has provided a grant in the amount of \$900,698 in funding toward the cost of the Bedford Solar Project, representing about 27% of the overall project budget. The remaining funding will be provided by the third party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners, ~~General Energy Solutions (“GES”).~~

12. Pursuant to a Power Purchase Agreement (“PPA”) for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will provide 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project) and, as well, produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations providing significant savings to the citizens of Bedford County. GES will serve

~~as Project Financier. GES is a leading solar energy company with experienced project developers and financing specialists. Among other projects, GES designed, built, financed and operates the world's largest airport solar project (25 MW) in Indianapolis, Indiana. In the past two years, GES has developed over 200 MW of solar generation throughout the world.~~

13. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County's cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric service provided by both of the County's retail electric supplier (both Penelec and BREC.) The Bedford Solar Project is expected to produce savings of \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

B. Benefits of the Proposed Project to Bedford County

14. As stated, ~~t~~The taxpayers of Bedford County would receive substantial benefits from the financial savings created from the Bedford Solar Project. The Bedford County Jail is currently the single largest line item expenditure in the annual Bedford County budget. By significantly reducing the operation and maintenance costs of the Bedford County Jail facility—without requiring increases in taxation on the citizens of Bedford County—the Bedford Solar Project would provide a direct financial benefit to all taxpayers in Bedford County. Moreover, it would lessen the burden on the Commonwealth of Pennsylvania to support Bedford County Jail operations.

15. Virtual net metering of the Bedford Solar Project would enable Bedford County to use the electrical output of the Bedford Solar Project—which will produces electricity in excess of the Bedford County Jail's needs—to offset the electricity used at nearby Bedford County-

owned buildings, thereby providing additional financial benefits to all taxpayers in Bedford County.

C. Benefits of the Proposed Project to the Commonwealth

16. The Bedford Solar Project is consistent with Pennsylvania’s environmental objectives and, more specifically, the encouragement of growth in renewable energy to address climate and sustainability objectives. The development of renewable energy projects has been and continues to be encouraged by financial incentives, legislative changes, and most recently, Pennsylvania Governor Tom Wolf’s Executive Order to establish statewide goals to reduce carbon emissions.

17. Financial incentives from the private sector, state and federal grant programs, and a Federal Investment Tax Credit (“ITC”) directly support the development of solar generation.

As detailed above, the Bedford Solar Project in particular is receiving nearly a third of its funding through a grant from the CFA Solar Energy Program – a grant which may be lost if the relief requested by this Petition is not obtained. While many state and federal grant programs have ended over the past few years, the ITC is still in effect and used by many solar developers and customers. Bedford 58 Solar, LLC successfully safe-harbored the 30% ITC in 2019 by purchasing all of the solar modules needed for the Project, which are currently being stored on-site at the Bedford County Jail. The PPA under which the Bedford Solar Project is being financed enables Bedford County to capture a portion of the federal ITC, ~~through the involvement of GES.~~ (As a unit of government, ~~without the use of the third party ownership and the PPA,~~ Bedford County would be unable to ~~take advantage of the benefit~~ of the federal ITC ~~for the sake of the Commonwealth’s taxpayers~~ on its own.) Financial incentives make solar assets

less costly and reduce the payback, or break-even period, directly supporting a customer’s ability to install solar assets at their homes and businesses.

18. Pennsylvania’s Alternative Energy Portfolio Standard (“AEPS”) encourages the development of solar generation within the Commonwealth. The AEPS was enacted in 2004 and became effective in February 2005; it has since been revised by Act 35 of 2007 (effective July 2007) and Act 129 of 2008 (effective November 2008). The AEPS establishes a goal of generating 0.5% of the Commonwealth’s electricity supply from solar generation by compliance year 2020-2021.

19. In October of 2017, Governor Wolf signed Act 4010 into law, which effectively closed Pennsylvania’s borders to solar renewable energy credits (“SRECs”) generated from solar facilities outside of the Commonwealth.¹ This action supports the development of solar facilities within the Commonwealth inasmuch as electric distribution companies and electric generation suppliers must now fulfill their solar obligations under the AEPS from the generation of solar energy within the Commonwealth. [As a requirement of the CFA grant program, Bedford 58 Solar, LLC has agreed to sign over all of the SRECs that will be generated by the Bedford Jail Project for the benefit of taxpayers of the Commonwealth.](#)

20. The Pennsylvania Department of Environmental Protection (“DEP”) in November 2018 released its Pennsylvania’s Solar Future Plan (“PSFP”).² The PSFP adopts a goal of ten percent (10%) of generation in Pennsylvania from distributed solar projects by 2030,

¹ Act 40 of 2017, H.B. 118, 2017 Pa. Laws 40.

² Pennsylvania Department of Environmental Protection, *Pennsylvania’s Solar Future Plan*, November 2018, available at <http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1413595&DocName=PENNSYLVANIA%26%2339%3b%20SOLAR%20FUTURE%20PLAN.PDF%20%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c%2Fspan%3e>

and identifies the expansion of virtual net metering opportunities as a key strategy to achieve that goal.³

21. On January 8, 2019, Governor Tom Wolf issued Executive Order No. 2019-01, “Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance,” which establishes the goal of achieving a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.⁴ Under the Executive Order, all agencies under the Governor’s jurisdiction are required to “[p]rocure renewable energy to offset at least 40 percent of the Commonwealth’s annual electricity use and evaluate opportunities to source electricity through Pennsylvania Certified Tier I credits, and/or direct purchase of renewable power generation sited within Pennsylvania.”

22. The Commission’s “Electric Power Outlook for Pennsylvania 2018-2023” states that “[o]ver 30 GW of new distributed solar photovoltaic is expected by the end of 2023.”⁵

D. The Impact of BREC’s Terms of Utility Service on the Bedford Solar Project

23. The terms of electric service available from BREC to members like Bedford County would result in the cancellation of the Bedford Solar Project, causing substantial economic damage to the taxpayers and citizens of Bedford County.

24. Under BREC’s Net Metering Rate Rider for Member-owned Alternative Energy Production Systems (attached hereto as Appendix B) (“Net Metering Rider”), the size of any “alternative energy system” interconnected with BREC is limited to 200 kilowatts (kW), which is substantially smaller than the 1.8 MW installation of the Bedford Solar Project.

³ *Id.* at iv.

⁴ Available at <https://www.governor.pa.gov/newsroom/executive-order-2019-01-commonwealth-leadership-in-addressing-climate-change-and-promoting-energy-conservation-and-sustainable-governance/>

⁵ Available at http://www.puc.state.pa.us/General/publications_reports/pdf/EPO_2019.pdf, page 5.

25. Unlike most electric distribution companies operating in Pennsylvania—which allow excess kilowatthours (kWhs) during any billing period to be carried over to successive periods, subject to an annual reconciliation—BREC’s Net Metering Rider prohibits such excess generation within a billing period to be carried over to succeeding billing periods. Rather, the energy produced by any alternative energy system during any billing period is purchased by BREC at a rate much lower than the applicable net metering rates (its retail price of electricity).

26. ~~And r~~Rather than using its own actual “avoided costs” as the price for such excess generation during a billing period—which is about seven cents per kWh—BREC uses the avoided costs of Allegheny Electric Cooperative, which is about 2.5 cents per kWh.

27. Under BREC’s Net Metering Rider, meter aggregation is permitted only if the other metered locations are also customers of BREC, and must be located within two miles of the alternative energy system. Bedford County sized the Bedford Solar Project to enable virtual net metering for other County-owned buildings, all of which, ~~while are~~ located within two miles of the Bedford Solar Project. ~~They are not served by BREC, however, but~~ are located in ~~the adjacent~~ Penelec ~~’s adjacent~~ service territory.

28. As described in the Affidavit of _____, included as Appendix B, BREC is refusing to interconnect the Bedford Solar Project under the configuration proposed by Bedford County (i.e., with third-party ownership through a PPA and sized to accommodate virtual net metering of other County-owned buildings). [PROVIDE MORE DETAIL BASED ON THE CONTENT OF THE AFFIDAVIT]

29. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC buying all of the excess output of the Project each month at a rate of 2.5 cents per kWh, far below BREC’s retail rate (about 10.1 cents

per kWh) and its avoided costs (about 7 cents per kWh). BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project recited above.

30. The cancellation of the Bedford Solar Project would result in the loss of the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, as well as the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, as well as the loss of the substantial cost saving benefits to Bedford County and its taxpayers, as well as the loss of 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania's clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

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31. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

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15 Pa.C.S. § 7355(c)

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37. The inadequate retail electric service being furnished by BREC to the Bedford County Jail is not likely to be made adequate. As indicated in the affidavit of _____, there is no reason to expect BREC's position on interconnecting the Bedford Solar Project to

change. Nor is there any reason to believe that BREC will change the terms of its Net Metering Rider to bring it in line with ~~the legally mandated practices-tariffs~~ of other electric distribution companies in Pennsylvania (i.e., interconnecting distributed energy resources up to 2 MW, allowing excess generation each month to be carried forward ~~to subsequent months on an annual basis~~, and paying the interconnecting utility's actual avoided cost for any excess generation on the basis of an annual reconciliation).

38. Section 7355(c) of the Territory Law empowers the Commission to grant relief to Bedford County, by authorizing another electric supplier—Penelec—to furnish retail electric service to the affected facility—the Bedford County Jail. Under Bedford County's proposed solution, the Bedford County Jail and the Bedford Solar Project could be interconnected with Penelec at the boundary of Penelec's service territory with BREC's service territory, without the need of obtaining any easements from third party landowners. All interconnection equipment would be located on Bedford County's property.

DRAFT -- 01.07.20

WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC's retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

James M. Van Nostrand
Counsel for Bedford County

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: January __, 2020

DRAFT – 01.07.20

APPENDICES

- A. Map of Service Territories
- B. Net Metering Rate Rider for Member-owned Alternative Energy Production Systems
- C. Affidavit of _____
- D. Map showing location of Bedford County Jail, railroad right-of-way, and boundary of Penelec service territory

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, January 15, 2020 9:15 PM
To: Larry Myers
Subject: Re: PUC Petition for change of service at the Bedford County Jail

Yes, however the location needs to be within 2 miles of the solar field to be part of the project. Larry what's best time to call you in the am?

Sent from my iPhone

On Jan 15, 2020, at 9:04 PM, Larry Myers <Larry.Myers@se.com> wrote:

Barry:

Based on the data that I had gathered when we were looking at your GESA project, there were a total of 5 BREC accounts which includes the Jail. Below is a table that illustrates the BREC accounts that Bedford County had at that time. I believe that the document references that the Jail is the sole account. That would not be accurate; however, I am guessing that the other locations are not near Penelec territory.

AcctNum	Facility	Account Name	Use
BREC10006200	Lincoln Twp Election HS	Residence, Lovely Rd	Voting, Lincoln Twp
BREC15223601	Bedford County 911	At Mt Dallas Site# 0 (Ashcom Tower)	Mt. Dallas 911/Communications
BREC2267601	Bedford County Jail	Jail	Jail
BREC8106200	Bedford County 911	Hyndman Tower	Hyndman 911/Communications
BREC8123500	Bedford County 911	Schellsburg Tower	Schellsburg 911/Communications

Larry F. Myers, PE, CEM, GBE

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Harrisburg, PA 17110
United States

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<image003.gif>

<image004.gif>

<image005.gif>

****Please consider the environment before printing this email****

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Wednesday, January 15, 2020 7:41 PM

To: Larry Myers <Larry.Myers@se.com>
Subject: Fwd: PUC Petition for change of service at the Bedford County Jail

[External email: Use caution with links and attachments]

Please let me know your thoughts?
Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: January 13, 2020 at 7:50:28 PM EST
To: Jim Kurtz <jkurtz@rerenergygroup.com>, Mike Barnes <mbarnes@rerenergygroup.com>
Cc: Rodney Rose <rrose@rerenergygroup.com>, Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Lang <ilang@bedfordcountypa.org>, Stephanie Brun de Pontet <sbrundepontet@sunvestmentgroup.com>
Subject: PUC Petition for change of service at the Bedford County Jail

Jim, Mike and Commissioners Dallara and Lang,

Please see the first "redlined" draft of a Petition to the PUC to change service at the Jail property to Penelec, as we have discussed. I have not copied Commissioner Crooks as I understand he is no longer serving in that role, and I do not have the contact information for the new Commissioner, who I hope you will forward this to for her consideration and comment.

Rodney, you may want to further emphasize some attributes of the CFA grant - if so, let me know.

Once Jamie and I get a solid draft, we will work on the affidavit referenced in the body of the Petition. Please provide any comments, or raise any concerns or questions that occur to you. We want to properly represent the citizens of Bedford County, so any thoughts or concerns are important to us.

Thanks for your time,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

This email has been scanned by the Symantec Email Security.cloud service.

Debra Brown

From: Larry Myers <Larry.Myers@se.com>
Sent: Saturday, January 18, 2020 6:11 PM
To: Commissioner Dallara
Subject: Consider addressing the focus of the request more generally

Barry:

After reviewing the draft document that was developed to petition the PUC to weigh in on the County's switch of the Jail's electric service provider from BREC to Penelec, I believe that the focus of the document should be on the larger picture. Yes, the Solar PPA drove the desire for this change, but the change has grander ramifications. See the following comments.

My Observations:

- The Jail is the 2nd largest electric load in the County and is about 50% of the load of the Courthouse. The Courthouse has an annual electric consumption of roughly 1,410,000 KWh. The Jail has an annual electric consumption of roughly 760,000 KWh. (Confirm these numbers because I have 2015 data)
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 - A. limiting the maximum monthly 15-minute KW demand, and
 - B. reducing the monthly energy consumption.
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This basically covers my thoughts.

Larry

Larry F. Myers, PE, CEM, GBE

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Electric



****Please consider the environment before printing this email****

Debra Brown

From: Commissioner Dallara
Sent: Sunday, January 19, 2020 12:59 PM
To: Larry Myers
Subject: Re: Consider addressing the focus of the request more generally

Larry, thank you so much. I will never have the insight into this issue that you have provided. I will forward your input to the RER Atty early tomorrow am. Hopefully they include all of it in the response. I will also reiterate that we need every advantage that past rulings provide. Again Larry thank you. You are a true friend and a great asset to Bedford County.

Sent from my iPhone

On Jan 18, 2020, at 6:11 PM, Larry Myers <Larry.Myers@se.com> wrote:

Barry:

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****Please consider the environment before printing this email****

Debra Brown

From: Commissioner Dallara
Sent: Monday, January 20, 2020 10:58 AM
To: Kurt Karsten
Subject: Fwd: Consider addressing the focus of the request more generally

Kurt, I'm forwarding the email Larry Myers of Schneider Electric was kind enough to write up for me. We discussed this at length at Lunch on Friday. I agree very much with his summary. Please call me at your convenience to discuss.

Sent from my iPhone

Begin forwarded message:

From: Larry Myers <Larry.Myers@se.com>
Date: January 18, 2020 at 6:11:34 PM EST
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: Consider addressing the focus of the request more generally

Barry:

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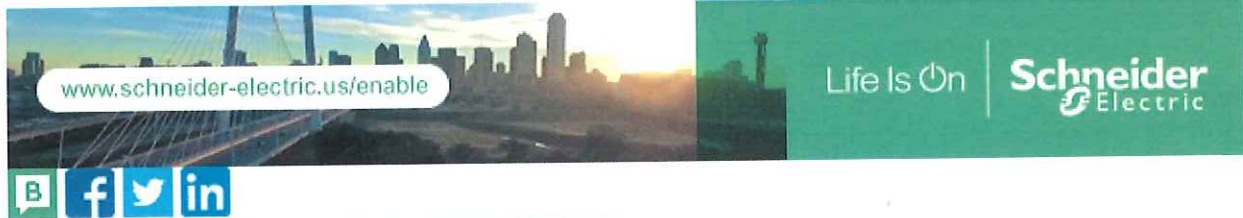
Larry

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
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W www.enable.schneider-electric.com/

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United States



****Please consider the environment before printing this email****

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, January 23, 2020 8:14 AM
To: Commissioner Dallara
Subject: Re: Consider addressing the focus of the request more generally

Barry,

Thank you for this and I did get your voicemail and I will try to call you back today around 10:30 or 11 - it has been a busy couple of days trying to close on a Project. I am also working on revising the Petition filing to bring into focus some of these points and I will send a revised version to you before it gets filed.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

On Jan 20, 2020, at 10:58 AM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

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Sent from my iPhone

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Date: January 18, 2020 at 6:11:34 PM EST
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: Consider addressing the focus of the request more generally

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This basically covers my thoughts.

Larry

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****Please consider the environment before printing this email****

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Commissioner Dallara
Sent: Monday, February 17, 2020 6:56 PM
To: Rodney Rose
Subject: BCCF Solar Project

Rodney, I'm trying to keep the other two commissioners in the loop and keep their confidence up regarding this project but I need RER Energy to provide a comprehensive positive update on the status of our project. I had hoped I would have heard more by this time after I provided Kirt some very real points to use in the PUC hearing.

Sent from my iPad

Debra Brown

From: Commissioner Lang
Sent: Thursday, May 28, 2020 2:52 PM
To: Rodney Rose
Cc: Commissioner Dallara; Commissioner Baughman; Jim Kurtz; Mike Barnes; Kurt Karsten
Subject: RE: Project update

Good afternoon,

Are there any updates?

Josh

Josh Lang, Chairman
Bedford County Commissioner
200 S. Juliana Street
Bedford, PA 15522
(814) 623-4807
www.bedfordcountypa.org



From: Rodney Rose <rrose@rerenergygroup.com>
Sent: Monday, November 11, 2019 11:10 AM
To: Commissioner Lang <jlang@bedfordcountypa.org>
Cc: Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Jim Kurtz <jkurtz@rerenergygroup.com>; Mike Barnes <mbarnes@rerenergygroup.com>; Kurt Karsten <karstenlaw@gmail.com>
Subject: Re: Project update

Commissioners,

Per Commissioner Lang's request, please see the attached update and email correspondence with BREC Chair, Brooks Shoemaker.

Over the past few weeks, Kurt Karsten, RER Energy Group's Counsel has been in contact with James Cascio, Solicitor for BREC and through his conversations, drafted and sent the Email below. We are awaiting a response from BREC on the matter and will keep you abreast of any reply.

Please let me know of any questions. Happy Veterans Day to all of you.

RODNEY

From: Kurt Karsten <karstenlaw@gmail.com>
Subject: Bedford County Commissioners' Bedford Jail Solar Project
Date: November 11, 2019 at 10:46:10 AM EST
To: bshoemaker@bedfordrec.com

Mr. Shoemaker,

I am writing you at the suggestion of BREC's counsel, James Cascio, with whom I spoke recently. I am writing on behalf of the Bedford County Commission in relation to their Solar Project at the Bedford County Jail. As you will recall, the Commission, through their Solar Project Developer, RER Energy Group, LLC, submitted an interconnection application to BREC for a solar project of approximately 2 MW in size to be sited at the jail. In March 2018, the project had been awarded a \$760K grant by the Commonwealth of Pennsylvania Commonwealth Financing Authority. The project, when installed, will save the citizens of Bedford County hundreds of thousands of dollars or more over the life of the project, and the Commissioners of Bedford County are extremely focused on achieving those savings for the County.

There have been a few phone calls, as you know, trying to explore different ways to attain those goals. So far, the Commissioners have not found a path forward with BREC to achieve those cost savings. In exploring other options, the County has found two possible ways to move the project forward, and I am writing to you, as both involve some cooperation from BREC.

The first path would involve the Bedford County Jail withdrawing from service from BREC completely, and connecting directly to Pennelec Service directly. As you may know, although the Jail is currently serviced by BREC, the County owns a strip of land, which is an abandoned railroad bed, that directly connects the Jail property to Pennelec service territory. This strip of land parallels Imlertown Road. It is wide enough for a new pole set that would connect the jail to Pennelec Service. According to the BREC Bylaws, a BREC member may voluntarily withdraw upon certification from the BREC Board that its electricity bill have been paid to date. According to Pennelec, once BREC provides that certification, Bedford County could interconnect to Pennelec service directly, since the Bedford County property does directly abut Pennelec service territory.

The second path involves the Bedford County Jail remaining a customer of BREC, with the County, through its developer, building a smaller array at the Jail consistent with the Interconnection Study already performed. That array would, with BREC's cooperation, offset 100% of the electrical load of the Jail, and the County would then build a second array at a location the County has already identified and has begun permitting as a Solar site. The combination of the two arrays would result in the same size project that was originally envisioned by the Bedford County Commission and would achieve the savings as originally projected, if the second site were used to augment the Jail site. Obviously, in this second scenario, Bedford County would continue to be technically a customer of BREC, though the Jail array would, on an annual basis, provide all of the Jail's electricity needs.

The preferred path, for the County, is the withdrawal from BREC and the direct connection to Pennelec, in the context of the way the project has evolved over the past two years. The reason I am contacting you, as discussed with Mr. Cascio, is to better understand the process by which Bedford County would achieve withdrawal from BREC and the certification and release by the BREC Board of Directors that Pennelec needs in order to provide a new service to a land owner that straddles the service territories.

I am wondering if you would have a few minutes to discuss these issues and I would like to schedule either a telephone call, or a meeting in your offices, to talk through the details so that I can help the Bedford Commission evaluate more fully the pros and cons of these two paths. If you could please let me know your availability for such a conversation, I would greatly appreciate it.

Thanks,

Kurt Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

On Fri, Nov 8, 2019 at 12:53 PM Commissioner Lang <jlange@bedfordcountypa.org> wrote:

Good afternoon,

Are there any updates on this matter?

Sent from my iPhone

On Sep 23, 2019, at 11:36 PM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Commissioners,

Here is a brief update on the progress of the parallel paths of the project.

As you will recall we are pursuing 2 paths to bring this project to life.

- A) The original plan of withdraw from REC, Connect to Penelec and build the full array at the Jail.
- B) Divide the array into two, with a smaller array at the Jail to service the Jail, and another array at Milburn reservoir to service the other locations.

Progress on Path A - Our counsel, Kurt Karsten has been in contact with the Legal department at BREC and is negotiating with them regarding if and how we could withdraw and apply fro Penelec Service. After the initial conference, the counsels will talk again early next week with follow up issues. I will provide an Update when Kurt reports on the progress of this path.

Progress on Path B - The Bedford Borough Municipal Auth. voted last week to authorize the Borough to lease the Milburn reservoir property to the County for \$1 per acre per year for 30 years with 2 - 5 yr extension options. Furthermore, Penelec, agreed that the meter at Milburn could be reactivated, if the County had a service installed at the location (Some discussion of a construction trailer and or a Emergency Vehicle storage lot has been discussed briefly). While this path would require 2 x the engineering and 2x the interconnection costs, this may be the quickest path to realize the project at this time.

i will provide further updates as information comes in from Kurt and the BREC attorney's discussion.

Please email or call me with any questions on the above.

Looking forward to moving this project toward the finish.

Sincerely,

--

Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



[Learn More About RER in this Short Video](#)



Named one of the nation's fastest growing private companies for the fourth consecutive year.



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Debra Brown

From: Commissioner Dallara
Sent: Monday, July 20, 2020 7:55 PM
To: bdallara@comcast.net
Subject: Fwd: Project update

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: May 29, 2020 at 4:05:18 PM EDT
To: Commissioner Lang <jlang@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>, Commissioner Dallara <cdallara@bedfordcountypa.org>, Jim Kurtz <jkurtz@rerenergygroup.com>, Mike Barnes <mbarnes@rerenergygroup.com>, Rodney Rose <rrose@rerenergygroup.com>
Subject: Re: Project update

Josh,

The Commission has been closed for business since mid-March and has not yet begun accepting filings or even phone calls. We have tried to contact them every day this week so far with no answer. We will keep trying and I'll update as soon as we are able to get through to them.

Thanks,

Kurt

On Thu, May 28, 2020 at 2:51 PM Commissioner Lang <jlang@bedfordcountypa.org> wrote:

Good afternoon,

Are there any updates?

Josh

Josh Lang, Chairman

Bedford County Commissioner

[200 S. Juliana Street](#)

[Bedford, PA 15522](#)

(814) 623-4807

www.bedfordcountypa.org



From: Rodney Rose <rrose@rerenergygroup.com>

Sent: Monday, November 11, 2019 11:10 AM

To: Commissioner Lang <jlang@bedfordcountypa.org>

Cc: Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Jim Kurtz <jkurtz@rerenergygroup.com>; Mike Barnes <mbarnes@rerenergygroup.com>; Kurt Karsten <karstenlaw@gmail.com>

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RODNEY

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Thanks,

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[621 Ridgely Avenue](#)
[Suite 402](#)
[Annapolis, MD 21401](#)
410-991-3184

On Fri, Nov 8, 2019 at 12:53 PM Commissioner Lang <jlange@bedfordcountypa.org> wrote:

Good afternoon,

Are there any updates on this matter?

Sent from my iPhone

On Sep 23, 2019, at 11:36 PM, Rodney Rose <rrose@rerenergygroup.com> wrote:

Commissioners,

Here is a brief update on the progress of the parallel paths of the project.

As you will recall we are pursuing 2 paths to bring this project to life.

A) The original plan of withdraw from REC, Connect to Penelec and build the full array at the Jail.

B) Divide the array into two, with a smaller array at the Jail to service the Jail, and another array at Milburn reservoir to service the other locations.

Progress on Path A - Our counsel, Kurt Karsten has been in contact with the Legal department at BREC and is negotiating with them regarding if and how we could withdraw and apply fro Penelec Service. After the initial conference, the counsels will talk again early next week with follow up issues. I will provide an Update when Kurt reports on the progress of this path.

Progress on Path B - The Bedford Borough Municipal Auth. voted last week to authorize the Borough to lease the Milburn reservoir property to the County for \$1 per acre per year for 30 years with 2 - 5 yr extension options. Furthermore, Penelec, agreed that the meter at Milburn could be reactivated, if the County had a service installed at the location (Some discussion of a construction trailer and or a Emergency Vehicle storage lot has been discussed briefly). While this path would require 2 x the engineering and 2x the interconnection costs, this may be the quickest path to realize the project at this time.

i will provide further updates as information comes in from Kurt and the BREC attorney's discussion.

Please email or call me with any questions on the above.

Looking forward to moving this project toward the finish.

Sincerely,

--

Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



[Learn More About RER in this Short Video](#)



Named one of the nation's fastest growing private companies for the fourth consecutive year.



ExchangeDefender Message Security: [Check Authenticity](#)

--

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--

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184



Debra Brown

From: Commissioner Dallara
Sent: Monday, July 27, 2020 12:43 PM
To: Troy Nelson
Subject: Fwd: Project update

Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: May 29, 2020 at 4:05:18 PM EDT
To: Commissioner Lang <jlang@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>, Commissioner Dallara <cdallara@bedfordcountypa.org>, Jim Kurtz <jkurtz@rerenergygroup.com>, Mike Barnes <mbarnes@rerenergygroup.com>, Rodney Rose <rrose@rerenergygroup.com>
Subject: Re: Project update

Josh,

The Commission has been closed for business since mid-March and has not yet begun accepting filings or even phone calls. We have tried to contact them every day this week so far with no answer. We will keep trying and I'll update as soon as we are able to get through to them.

Thanks,

Kurt

On Thu, May 28, 2020 at 2:51 PM Commissioner Lang <jlang@bedfordcountypa.org> wrote:

Good afternoon,

Are there any updates?

Josh

Josh Lang, Chairman

Bedford County Commissioner

[200 S. Juliana Street](#)

[Bedford, PA 15522](#)

(814) 623-4807

www.bedfordcountypa.org



From: Rodney Rose <rrose@rerenergygroup.com>

Sent: Monday, November 11, 2019 11:10 AM

To: Commissioner Lang <jl原因@bedfordcountypa.org>

Cc: Commissioner Crooks <pcrooks@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Jim Kurtz <jkurtz@rerenergygroup.com>; Mike Barnes <mbarnes@rerenergygroup.com>; Kurt Karsten <karstenlaw@gmail.com>

Subject: Re: Project update

Commissioners,

Per Commissioner Lang's request, please see the attached update and email correspondence with BREC Chair, Brooks Shoemaker.

Over the past few weeks, Kurt Karsten, RER Energy Group's Counsel has been in contact with James Cascio, Solicitor for BREC and through his conversations, drafted and sent the Email below. We are awaiting a response from BREC on the matter and will keep you abreast of any reply.

Please let me know of any questions. Happy Veterans Day to all of you.

RODNEY

From: Kurt Karsten <karstenlaw@gmail.com>

Subject: Bedford County Commissioners' Bedford Jail Solar Project

Date: November 11, 2019 at 10:46:10 AM EST

To: bshoemaker@bedfordrec.com

Mr. Shoemaker,

I am writing you at the suggestion of BREC's counsel, James Cascio, with whom I spoke recently. I am writing on behalf of the Bedford County Commission in relation to their Solar Project at the Bedford County Jail. As you will recall, the Commission, through their Solar Project Developer, RER Energy Group, LLC, submitted an interconnection application to BREC for a solar project of approximately 2 MW in size to be sited at the jail. In March 2018, the project had been awarded a \$760K grant by the Commonwealth of Pennsylvania Commonwealth Financing Authority. The project, when installed, will save the citizens of Bedford County hundreds of thousands of dollars or more over the life of the project, and the Commissioners of Bedford County are extremely focused on achieving those savings for the County.

There have been a few phone calls, as you know, trying to explore different ways to attain those goals. So far, the Commissioners have not found a path forward with BREC to achieve those cost savings. In exploring other options, the County has found two possible ways to move the project forward, and I am writing to you, as both involve some cooperation from BREC.

The first path would involve the Bedford County Jail withdrawing from service from BREC completely, and connecting directly to Pennelec Service directly. As you may know, although the Jail is currently serviced by BREC, the County owns a strip of land, which is an abandoned railroad bed, that directly connects the Jail property to Pennelec service territory. This strip of land parallels Imlertown Road. It is wide enough for a new pole set that would connect the jail to Pennelec Service. According to the BREC Bylaws, a BREC member may voluntarily withdraw upon certification from the BREC Board that its electricity bill have been paid to date. According to Pennelec, once BREC provides that certification, Bedford County could interconnect to Pennelec service directly, since the Bedford County property does directly abut Pennelec service territory.

The second path involves the Bedford County Jail remaining a customer of BREC, with the County, through its developer, building a smaller array at the Jail consistent with the Interconnection Study already performed. That array would, with BREC's cooperation, offset 100% of the electrical load of the Jail, and the County would then build a second array at a location the County has already identified and has begun permitting as a Solar site. The combination of the two arrays would result in the same size project that was originally envisioned by the Bedford County Commission and would achieve the savings as originally projected, if the second site were used to augment the Jail site. Obviously, in this second scenario, Bedford County would continue to be technically a customer of BREC, though the Jail array would, on an annual basis, provide all of the Jail's electricity needs.

The preferred path, for the County, is the withdrawal from BREC and the direct connection to Pennelec, in the context of the way the project has evolved over the past two years. The reason I am contacting you, as discussed with Mr. Cascio, is to better understand the process by which Bedford County would achieve withdrawal from BREC and the certification and release by the BREC Board of Directors that Pennelec needs in order to provide a new service to a land owner that straddles the service territories.

I am wondering if you would have a few minutes to discuss these issues and I would like to schedule either a telephone call, or a meeting in your offices, to talk through the details so that I can help the Bedford Commission evaluate more fully the pros and cons of these two paths. If you could please let me know your availability for such a conversation, I would greatly appreciate it.

Thanks,

Kurt Kurt D. Karsten, Esq.

[621 Ridgely Avenue](#)
[Suite 402](#)
[Annapolis, MD 21401](#)
410-991-3184

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Are there any updates on this matter?

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i will provide further updates as information comes in from Kurt and the BREC attorney's discussion.

Please email or call me with any questions on the above.

Looking forward to moving this project toward the finish.

Sincerely,

--

Rodney G. Rose, Esq.

Director of Business Development

4700 Pottsville Pike, Reading, PA 19605

o: 610-332-7232 c: 301-992-3007 f: 888-712-0734

rrose@rerenergygroup.com | www.rerenergygroup.com



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Named one of the nation's fastest growing private companies for the fourth consecutive year.



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--

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--

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

Debra Brown

From: Troy Nelson
Sent: Monday, July 27, 2020 1:00 PM
To: karstenlaw@gmail.com
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Lang
Subject: Bedford County Jail Commercial Solar Project
Attachments: PA Municipal Code Alliance Letter - Solar Project.pdf

Good Afternoon Attorney Karsten,

Please find attached several documents that I received in the mail today regarding the Commercial Solar Project at the Bedford County Jail. Based upon the contents of the letter, it appears as though the PA Municipal Code Alliance will be making a site visit to the jail to determine the status of the project unless they are notified that no work has taken place. Additionally, the letter seeks to address the matter of appropriate permits and approvals relative to the project. If you could please advise as to whether I need to address any issues in regard to this letter it would be greatly appreciated. Thank you.

Sincerely,

Troy D. Nelson
Warden
Bedford County Correctional Facility
425 Imlertown Rd.
Bedford, PA 15522
Phone: (814)624-2646
Fax: (814)624-2649



PMCA Chambersburg Office: 380 Wayne Ave. Chambersburg, PA 17201

Email: pmca@pacodealliance.com

Phone: 717 496-4996 Fax: 717 446-0586

Website: <http://pacodealliance.com/>

July 23, 2020

Bedford County Jail
425 Imlertown Road
Bedford, Pa 15522

Michael E. Archer, P.E.
BL Companies
600 Grant St. Suite 660
Pittsburgh, Pa. 15219

Andrew Biederman
BL Companies
4700 Pottsville Pike
Reading, Pa. 19605

Re: Commercial Solar Project at the Bedford County Jail, 425 Imlertown Road, Bedford, Pa.; Tax Parcel ID 020002336. Land Use Permit #1302.

Sirs;

Our office has just been made aware of your large commercial solar project at the Bedford County Jail property located in Bedford Township, Bedford County Pennsylvania. Please be advised that this project requires permits, approvals, and inspections in accordance with Pennsylvania State Statute {35 Pa Code 7210.101 et seq.}; commonly known as the Pennsylvania Uniform Construction Code.

A review of our files indicates that no commercial building permit application has been received or approved by this office, representing Bedford Township, Bedford County. A copy of the land use permit application bearing the Township seal has been provided to us for review. It appears to be dated March 2019. Our office will be making a site visit to determine project status in the near future. We are particularly concerned that this project may be underway or even completed without the necessary permits or approvals.

Further examination of your "Bedford Township Land Development Application" reveals that the project may actually encroach on the regulated floodplain. With that information in hand I have ordered a site investigation to determine the extent of progress relative to this project.

The purpose of this letter is to inform you of your legal responsibility to obtain all necessary permits, approvals, and inspections. It is also to inform you of potential encroachment upon the regulated floodplain and the necessity to obtain all special permits and approvals relative to that encroachment.

If upon receipt of this letter you realize that no work has taken place to date, please contact our office immediately to begin the application processes and to provide a timeline for compliance. If for any reason the work is underway without these necessary approvals, you should stop work immediately and contact our office to begin the application process.

Sincerely,


R. Clem Malot, MCP
Building Code Official

Cc: Municipality
Solicitor
Enforcement File

BEDFORD TOWNSHIP LAND DEVELOPMENT APPLICATION

BL Companies - Michael Archw - 717-943-1678
Senior Manager
600 Grant St. Suite 660
Pittsburgh, PA 15219

Andrew Biederma
4700 Pottsville Pike, Reading, PA 19605
610-332-7232
abiederma@reenergy.com

Section I: Identification

APPLICANT'S NAME (Please Print) Bedford Co. Jail

APPLICANT'S ADDRESS 425 Imbertown Rd. Bedford, PA. 15522

APPLICANT'S PHONE NUMBER - DAY: _____ EVENING: _____

WORK SITE ADDRESS Name IN FLOOD PLAIN Y FEMA CP# 42009C0338E
(yes or no)

SITE LOCATED UNDER BEDFORD COUNTY AIRPORT E.A.R. Part 77 surfaces (see ORDINANCE 93-04) No
"YES" needs authorization letter from Airport (yes or no)

TAX MAP LOCATION 020002336 SUBDIVISION & LOT# N/A

++ TYPE OF CONSTRUCTION Preliminary land Development - Commercial; over 5000 solar panels

ESTIMATED STARTING DATE 4/12/2018 EST. DATE OF COMPLETION 5/24/2019

* ESTIMATED VALUE 1403,000.- NEW * ADDITION/REPAIRS/OTHER _____

Section II: Approvals / Documentation REQUIRED For Land Development Permit

NA SEWAGE FACILITIES PLANNING MODULE, D.E.P. PLANNING CODE # _____ DATE _____

____ SUB-DIVISION & LAND DEVELOPMENT EXEMPTION DATE OF APPROVAL _____

____ SUB-DIVISION & LAND DEVELOPMENT, MUNICIPAL RESOLUTION # _____ DATE _____

NA SEWAGE APPLICATION & PERMIT FROM SEWAGE ENFORCEMENT OFFICER # _____
Standard System _____ Sand Mound _____ Other _____

____ STORMWATER MANAGEMENT PLAN: DATE OF APPROVAL _____

NA DRIVEWAY PERMIT - PENNDOT # _____ TOWNSHIP # _____

NA PUBLIC WATER TAP - RECEIPT # _____ DATE _____

NA PUBLIC SEWER TAP - RECEIPT # _____ DATE _____

NA HISTORICAL/ARCHEOLOGICAL REVIEW BOARD RELEASE LETTER - DATE _____

NA CLEAN STREAMS LAW PERMIT # _____ DATE _____
(small flow treatment facility &/or any other government permits as required - identify here)

____ EROSION & SEDIMENTATION PLAN APPROVAL LETTER DATE _____

____ OTHER: SLUICE PIPE, ROAD ALTERATION, ETC.

I am the owner of record (or Authorized Agent) of the property in application. I intend to install / construct the above ++ on this property, the information provided is true and correct to the best of my knowledge. I understand that providing false information on this application is subject to penalties and/or permit revocation.

Section III: Signature / Fee

* FEE 128.00 CK# Paid

* SIGNATURE see attached Applicant _____ Other * _____

Section IV: Municipal Official's Concurrence To Issue Permit

TOWNSHIP SEAL

[Signature]
Municipal Official Signature

3/2019
Date



Bedford Township Supervisors <bedfordtwp@gmail.com>

RE: Bedford Township Land Development Application

1 message

Archer, Michael <marcher@blcompanies.com>
To: Bedford Township Supervisors <bedfordtwp@gmail.com>

Tue, Aug 28, 2018 at 3:20 PM

Good Afternoon,

Please find the attached signed Land Development Application with the requested information. Also, use the information below for the billing address:

- Andrew Biederman
Design & Engineering Manager
4700 Pottsville Pike
Reading, PA 19605

If you have any questions or need additional information, please contact me.

Thank you,

Mike

Michael E. Archer, PE

Senior Manager

BL Companies | *Employee owned. Client driven.*



600 Grant Street, Suite 660, Pittsburgh, PA 15219

tel: 717.651.9850 | direct: 717.943.1678

mobile: 724.991.2325

www.blcompanies.com

From: Bedford Township Supervisors <bedfordtwp@gmail.com>
Sent: Monday, August 27, 2018 10:42 AM
To: Archer, Michael <marcher@Blcompanies.com>
Subject: Bedford Township Land Development Application

Good morning Michael,

I've attached a copy of our Land Development Application. Please complete the Estimated Value, Sign the Application and provide us with a billing address. If you have any questions you can reach me at the information provided below. Please return ASAP.

Dorine

Dorine M. Smith -Assistant Secretary

Bedford Township, P.O. Box 148, Bedford, Pa. 15522
814.623.8296-P - 814.623.5695-F

www.bedfordtwppagov.com

 Bedford Jail Land Development Application AB 2018 0828.pdf
761K

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, July 27, 2020 1:33 PM
To: Commissioner Lang
Cc: jkurtz@reenergygroup.com; Mike Barnes; Commissioner Dallara; Commissioner Baughman
Subject: Re: Bedford County Jail Commercial Solar Project

Acknowledging receipt and I have forwarded this to our engineers for further response and action. I will notify Troy that no installation work has occurred yet and that RER will, of course, get all necessary permits and approvals.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Jul 27, 2020, at 1:30 PM, Commissioner Lang <jlange@bedfordcountypa.org> wrote:

FYI

Sent from my iPhone

Begin forwarded message:

From: Troy Nelson <Tnelson@bedfordcountypa.org>
Date: July 27, 2020 at 12:59:51 PM EDT
To: "karstenlaw@gmail.com" <karstenlaw@gmail.com>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>, Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Lang <jlange@bedfordcountypa.org>
Subject: Bedford County Jail Commercial Solar Project

Good Afternoon Attorney Karsten,

Please find attached several documents that I received in the mail today regarding the Commercial Solar Project at the Bedford County Jail. Based upon the contents of the letter, it appears as though the PA Municipal Code Alliance will be making a site visit to the jail to determine the status of the project unless they are notified that no work has taken place. Additionally, the letter seeks to address the matter of appropriate permits and approvals relative to the project. If you could please advise as to whether I need to address any issues in regard to this letter it would be greatly appreciated. Thank you.

Sincerely,

Troy D. Nelson

Warden

Bedford County Correctional Facility

425 Imlertown Rd.

Bedford, PA 15522

Phone: (814)624-2646

Fax: (814)624-2649

ExchangeDefender Message Security: [Check Authenticity](#)

<PA Municipal Code Alliance Letter - Solar Project.pdf>

Debra Brown

From: Commissioner Dallara
Sent: Monday, July 27, 2020 1:50 PM
To: Kurt Karsten
Cc: Commissioner Lang; Commissioner Baughman
Subject: Solar Project

Kurt, I realize we are experiencing a Pandemic, however the commissioners need to know what if anything is going to happen to our solar energy project. The situation we as commissioners find ourselves in is not acceptable. RER Energy made commitments to Bedford County that have not been fulfilled. RER Energy needs to complete this project at the earliest possible date.

We realize BREC has been an adversarial participant with regards to this project, however RER Energy is the responsible party that needs to resolve those issues.

Our county projected energy savings in our 2019 and 2020 budgets only to be disappointed each year with delay after delay. We need to hear from you soon, and it needs to be a realistic positive update of how RER Energy will bring this project to a successful completion.

Sent from my iPhone

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, July 27, 2020 3:13 PM
To: pmca@pacodealliance.com
Cc: Andrew Biederman; Jim Kurtz; Mike Barnes; Troy Nelson; Commissioner Lang; Commissioner Baughman; Commissioner Dallara
Subject: Fwd: Bedford County Jail Commercial Solar Project
Attachments: PA Municipal Code Alliance Letter - Solar Project.pdf; ATT00001.htm

R. Clem Malot,

I received the attached correspondence that was forwarded by the Warden at the Bedford County Jail.

As a status report on the project, just prior to the building permit being applied for, an issue arose with the electrical interconnection of the project that is still in the process of being resolved. Consequently no work has commenced at the site yet, nor will any work commence prior to a building permit being applied for and received.

The potential encroachment on the regulated flood plain was, however, something that the Project Owner, RER Energy Group, LLC, understood had been resolved by BL Companies in the Land Development process. Regardless, though, if that is not the case, then RER Energy Group, LLC is committed to getting it appropriately resolved in the building permit process.

In sum, no inspection or site visit is needed at this time, since work has not commenced and RER understands they need a building permit, and perhaps other permits, before any work could commence. If you have any further questions or concerns, please feel free to reach out, and please copy the individuals on this email.

Thanks!

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

Begin forwarded message:

From: Troy Nelson <Tnelson@bedfordcountypa.org>
Subject: Bedford County Jail Commercial Solar Project
Date: July 27, 2020 at 12:59:48 PM EDT
To: "karstenlaw@gmail.com" <karstenlaw@gmail.com>

Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>, "Commissioner Dallara" <cdallara@bedfordcountypa.org>, Commissioner Lang <jlang@bedfordcountypa.org>



PMCA Chambersburg Office: 380 Wayne Ave. Chambersburg, PA 17201

Email: pmca@pacodealliance.com

Phone: 717 496-4996 Fax: 717 446-0586

Website: <http://pacodealliance.com/>

July 23, 2020

Bedford County Jail
425 Imlertown Road
Bedford, Pa 15522

Michael E. Archer, P.E.
BL Companies
600 Grant St. Suite 660
Pittsburgh, Pa. 15219

Andrew Biederman
BL Companies
4700 Pottsville Pike
Reading, Pa. 19605

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Sirs;

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Sincerely,


R. Clem Malot, MCP
Building Code Official

Cc: Municipality
Solicitor
Enforcement File

BEDFORD TOWNSHIP LAND DEVELOPMENT APPLICATION

BL Companies - Michael Archer - 717-943-1678
Senior Manager
600 Grant St. Suite 660
Pittsburgh, PA 15219

Andrew Biederma
4700 Pottsville Pike, Reading PA 19605
610-332-7232
abiederma@reenergy.com

Section I: Identification

APPLICANT'S NAME (Please Print) Bedford Co. Jail

APPLICANT'S ADDRESS 425 Jmlertown Rd. Bedford, PA. 15522

APPLICANT'S PHONE NUMBER - DAY: _____ EVENING: _____

WORK SITE ADDRESS None IN FLOOD PLAIN Y FEMA CP# 42009C0338E
(yes or no)

SITE LOCATED UNDER BEDFORD COUNTY AIRPORT E.A.R. Part 77 surfaces (see ORDINANCE 93-04) No
"YES" needs authorization letter from Airport (yes or no)

TAX MAP LOCATION 020002336 SUBDIVISION & LOT# N/A

++ TYPE OF CONSTRUCTION Preliminary Land Development - Commercial; over 5000 solar panels

ESTIMATED STARTING DATE 4/12/2018 EST. DATE OF COMPLETION 5/24/2019

* ESTIMATED VALUE 1403,000.- NEW * ADDITION/REPAIRS/OTHER _____

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NA SEWAGE FACILITIES PLANNING MODULE, D.E.P. PLANNING CODE # _____ DATE _____

____ SUB-DIVISION & LAND DEVELOPMENT EXEMPTION DATE OF APPROVAL _____

____ SUB-DIVISION & LAND DEVELOPMENT, MUNICIPAL RESOLUTION # _____ DATE _____

NA SEWAGE APPLICATION & PERMIT FROM SEWAGE ENFORCEMENT OFFICER # _____
Standard System _____ Sand Mound _____ Other _____

____ STORMWATER MANAGEMENT PLAN: DATE OF APPROVAL _____

NA DRIVEWAY PERMIT - PENNDOT # _____ TOWNSHIP # _____

NA PUBLIC WATER TAP - RECEIPT # _____ DATE _____

NA PUBLIC SEWER TAP - RECEIPT # _____ DATE _____

NA HISTORICAL / ARCHEOLOGICAL REVIEW BOARD RELEASE LETTER - DATE _____

NA CLEAN STREAMS LAW PERMIT # _____ DATE _____
(small flow treatment facility &/or any other government permits as required - identify here)

____ EROSION & SEDIMENTATION PLAN APPROVAL LETTER DATE _____

____ OTHER: SLUICE PIPE, ROAD ALTERATION, ETC.

I am the owner of record (or Authorized Agent) of the property in application. I intend to install / construct the above ++ on this property. The information provided is true and correct to the best of my knowledge. I understand that providing false information on this application is subject to penalties and/or permit revocation.

Section III: Signature / Fee

* FEE 1428.00 CK# bid

* SIGNATURE see attached Applicant _____ Other *

Section IV: Municipal Official's Concurrence To Issue Permit

TOWNSHIP SEAL

[Signature]
Municipal Official Signature

3/2019
Date



Bedford Township Supervisors <bedfordtwp@gmail.com>

RE: Bedford Township Land Development Application

1 message

Archer, Michael <marcher@blcompanies.com>
To: Bedford Township Supervisors <bedfordtwp@gmail.com>

Tue, Aug 28, 2018 at 3:20 PM

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- Andrew Biederman
Design & Engineering Manager
4700 Pottsville Pike
Reading, PA 19605

If you have any questions or need additional information, please contact me.

Thank you,

Mike

Michael E. Archer, PE

Senior Manager

BL Companies | *Employee owned. Client driven.*



600 Grant Street, Suite 660, Pittsburgh, PA 15219

tel: 717.651.9850 | direct: 717.943.1678

mobile: 724.991.2325

www.blcompanies.com

From: Bedford Township Supervisors <bedfordtwp@gmail.com>
Sent: Monday, August 27, 2018 10:42 AM
To: Archer, Michael <marcher@Blcompanies.com>
Subject: Bedford Township Land Development Application

Good morning Michael,

I've attached a copy of our Land Development Application. Please complete the Estimated Value, Sign the Application and provide us with a billing address. If you have any questions you can reach me at the information provided below. Please return ASAP.

Dorine

Dorine M. Smith -Assistant Secretary

Bedford Township, P.O. Box 148, Bedford, Pa. 15522
814.623.8296-P - 814.623.5695-F

www.bedfordtwppagov.com

 **Bedford Jail Land Development Application AB 2018 0828.pdf**
761K

Debra Brown

From: Commissioner Dallara
Sent: Monday, July 27, 2020 3:16 PM
To: Troy Nelson
Subject: Fwd: Solar Project

Troy, FYI of what I sent Kurt K with regards to the solar project.

Sent from my iPhone

Begin forwarded message:

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Date: July 27, 2020 at 1:49:44 PM EDT
To: Kurt Karsten <karstenlaw@gmail.com>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>
Subject: Solar Project

Kurt, I realize we are experiencing a Pandemic, however the commissioners need to know what if anything is going to happen to our solar energy project. The situation we as commissioners find ourselves in is not acceptable. RER Energy made commitments to Bedford County that have not been fulfilled. RER Energy needs to complete this project at the earliest possible date.

We realize BREC has been an adversarial participant with regards to this project, however RER Energy is the responsible party that needs to resolve those issues.

Our county projected energy savings in our 2019 and 2020 budgets only to be disappointed each year with delay after delay. We need to hear from you soon, and it needs to be a realistic positive update of how RER Energy will bring this project to a successful completion.

Sent from my iPhone

Debra Brown

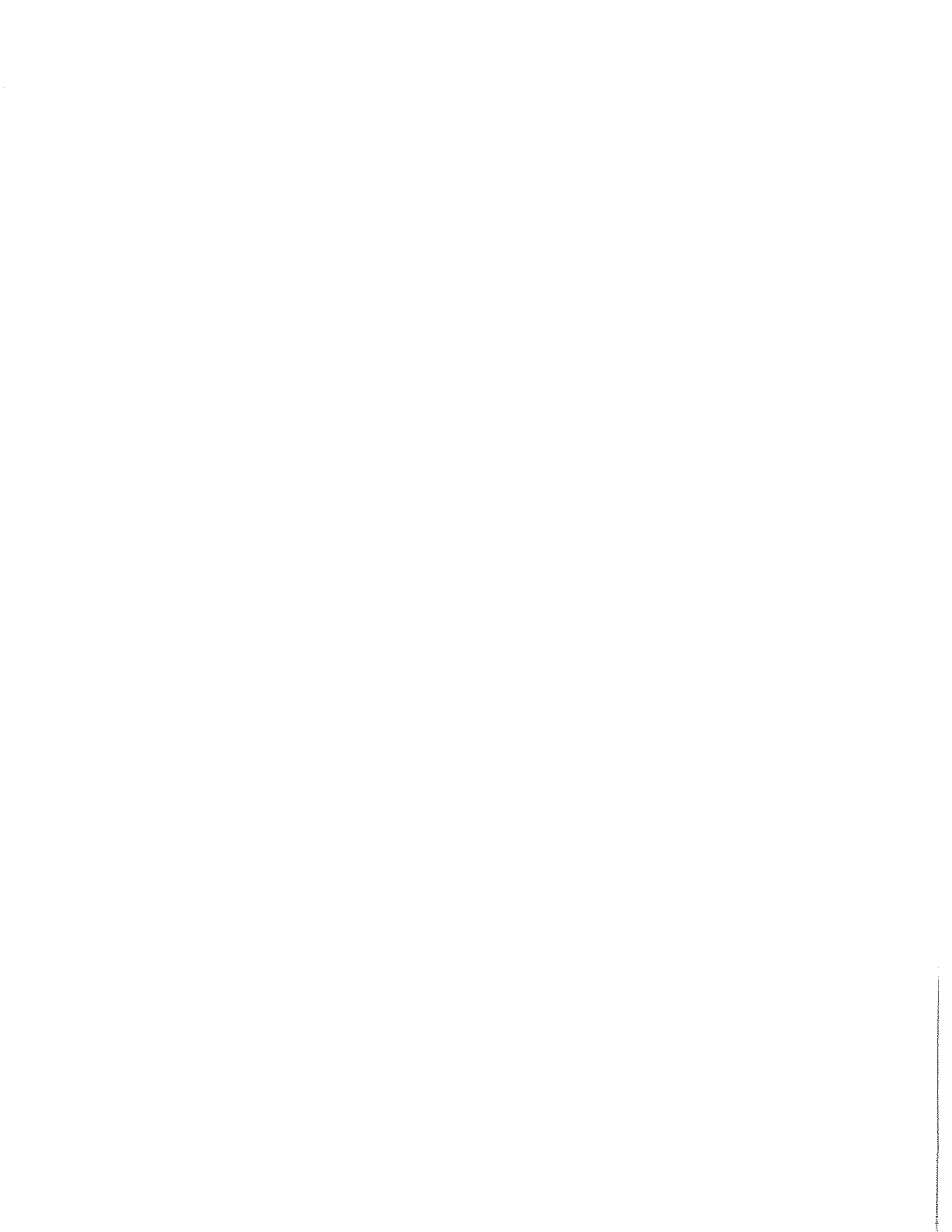
From: Commissioner Dallara
Sent: Monday, August 10, 2020 1:38 PM
To: Kurt Karsten
Cc: Commissioner Baughman; Commissioner Lang
Subject: BCCF Solar Project

Kurt, I tried to leave you a voice mail message today but your mail box was full. Kurt the county needs a realistic update on where we stand with our project. We also need written assurance from RER Energy that our project will be completed as proposed and funded by the PA CFA. I believe RER Energy has not been responsive to the board of commissioners regarding the status of our project. We should be receiving updates of what RER Energy is doing to insure this project is brought to completion.

Kurt, why isn't RER Energy moving forward to construct the solar field on the BCCF Campus in parallel with the Hearings and possible litigation with BREC? We know it will be a fight but the ultimate outcome is to provide very low cost solar energy to the BCCF and other county facilities.

At this point in time I would not recommend RER Energy to anyone. Hopefully someone at RER Energy will insure that does not remain the case.

Sent from my iPhone



Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Wednesday, August 12, 2020 2:35 PM
To: Commissioner Dallara
Cc: Commissioner Baughman; Commissioner Lang
Subject: Re: BCCF Solar Project
Attachments: PUC Complaint 08.12.20 Draft-7.docx; ATT00001.txt

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Commissioner Dallara,

I apologize for not being available for your call - I was away with my family and have now returned. I have attached what I anticipate is the final draft of the PUC Petition Filing to change Service territories for the Jail. I will send you under separate cover a draft of an affidavit for your review that I hope you would be able to sign to support the Petition. This was prepared by the attorneys RER hired in January to try and get this Service Territory change implemented. Their work was delayed when the PUC stopped accepting new filings due to COVID, of course.

As it stands now, BREC is not willing to provide any interconnection for a meaningful solar array at the Jail location, which is of course why this Petition is being filed. That is despite their original interconnection analysis that approved the array as proposed.

Please let me know if you wish to discuss any aspect of any of the attached. I anticipate it will be filed once the affidavits are finalized and executed.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com



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> ExchangeDefender Message Security: Click below to verify authenticity

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<https://verify.exchangedefender.com/verify.php?id=07AHcDmY017789&from=cdallara@bedfordcountypa.org>

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-_____
	:	
Bedford Rural Electric Cooperative,	:	
Respondent	:	

FORMAL COMPLAINT

Pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, Bedford County Board of Commissioners (“Bedford County”) submits this formal complaint against the Bedford Rural Electric Cooperative (“BREC”) alleging inadequate service by its existing retail electric supplier, entitling Bedford County to relief under Section 7355(c) of the Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c). In support of its Complaint, Bedford County states as follows:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission (“Commission”) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”) and, more specifically, to establish certified territory between retail electric suppliers where one supplier is an electric cooperative corporation and the other supplier is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service, pursuant to the Unincorporated Area Certified Territory Law of 1990 15 Pa.C.S. §§ 7351-7359 (the “Territory Law”).

2. Complainant is the Board of Commissioners of Bedford County, Pennsylvania, 200 South Juliana Street, Third Floor, Suite 301, Bedford, PA 15522. Bedford County is

organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs. The Board of Commissioners is the legislative and administrative body of county government in Bedford County.

3. Counsel for Complainant is as follows:

James M. Van Nostrand
Of Counsel
Keyes & Fox LLP
275 Orchard Drive
Pittsburgh, PA 15228-2122
jvannostrand@keyesfox.com

4. Respondent is Bedford Rural Electric Cooperative, Inc., a non-profit electric cooperative incorporated on June 2, 1939, with a principal place of business at 8846 Lincoln Hwy, Bedford, PA 15522. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. BREC serves over 9,000 members and maintains 9 substations and over 1,260 miles of line.

5. Penelec, a FirstEnergy company, is an electric distribution company with offices located at 2312-2334 Oakland Ave, Indiana, PA 15701. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility service as an electric distribution company to the public for compensation, including multiple locations owned by Bedford County.

6. Both Penelec and BREC are “retail electric supplier[s]” under § 7352 of the Territory Law, 15 Pa.C.S. § 7352. Penelec and BREC have a mutual boundary in an unincorporated area of Bedford County.

7. In addition to the several pieces of real property owned by Complainant that receive electric service from Penelec, Complainant owns one piece of real property (the

“Bedford County Jail”) that, by virtue of an abandoned railroad bed that is part of the Bedford County Jail property, transects the mutual boundary between BREC and Penelec (i.e., the property is partially within the Penelec service territory and partially within the BREC service territory). The Bedford County Jail has traditionally received electric service from BREC, and Bedford County is a member of BREC.

8. Under the Territory Law, the Commission has jurisdiction to establish the certified territory between retail electric suppliers, where one supplier is an electric cooperative (BREC) and the other potential supplier (Penelec) is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service. 15 Pa.C.S. § 7351

9. The Territory Law allows Bedford County to seek relief from inadequate service provided by BREC. Section 7355(c) provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

10. Bedford County seeks a ruling from the Commission that, based upon the facts and circumstances described herein, the retail electric service being furnished by BREC to the Bedford County Jail is inadequate and is not likely to be made adequate. Complainant respectfully requests that the Commission authorize Penelec to be the retail electric supplier to the Bedford County Jail property for the reasons stated below.

II. Background

A. The Proposed Project

11. With the help of a \$900,698.00 Grant awarded to Bedford County by the Pennsylvania Commonwealth Financing Authority’s Solar Energy Program, Bedford County is

developing a 1.838 megawatt (“MW”) aggregated virtual net metering solar array (the “Bedford Solar Project”) which will be situated on approximately 6 acres of land on the site of the Bedford County Jail. In addition to providing electricity to the Bedford County Jail, the Bedford Solar Project is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and, in fact, has the potential to provide several benefits to the Jail. Bedford County owns the parcel projected for the array and has signed a land lease authorizing the development on site.

12. The overall budget for the Bedford Solar Project is \$3,327,070. As stated, the grant of \$900,698 provided by the CFA Solar Energy Program toward the cost of the Bedford Solar Project represents about 27% of the overall project budget. The remaining funding will be provided by the third party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners.

13. Pursuant to a Power Purchase Agreement (“PPA”) for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will supply 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project), and will also produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County.

14. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County’s cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric

service provided by both of the County’s retail electric suppliers (Penelec and BREC). The Bedford Solar Project is anticipated to produce savings of as much as \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

B. Benefits of the Proposed Project to Bedford County

15. As stated, the taxpayers of Bedford County would receive substantial benefits from the financial savings created from the Bedford Solar Project. The Bedford County Jail is currently the single largest line item expenditure in the annual Bedford County budget. By significantly reducing the operation and maintenance costs of the Bedford County Jail facility—without requiring increases in taxation on the citizens of Bedford County—the Bedford Solar Project would provide a direct financial benefit to all taxpayers in Bedford County. Moreover, it would lessen the burden on the Commonwealth of Pennsylvania to support Bedford County Jail operations.

16. Virtual net metering of the Bedford Solar Project would enable Bedford County to use the electrical output of the Bedford Solar Project—which will produce electricity in excess of the Bedford County Jail’s needs—to offset the electricity used at nearby Bedford County-owned buildings, thereby providing additional financial benefits to all taxpayers in Bedford County.

C. Benefits of the Proposed Project to the Commonwealth

17. The Bedford Solar Project is consistent with Pennsylvania’s environmental objectives and, more specifically, the encouragement of growth in renewable energy to address climate and sustainability objectives. The development of renewable energy projects has been and continues to be encouraged by financial incentives, legislative changes, and most recently, Pennsylvania Governor Tom Wolf’s Executive Order to establish statewide goals to reduce carbon emissions.

18. Financial incentives from the private sector, state and federal grant programs, and a Federal Investment Tax Credit (“ITC”) directly support the development of solar generation. As detailed above, the Bedford Solar Project in particular is receiving nearly a third of its funding through a grant from the CFA Solar Energy Program—a grant which may be lost if the relief requested by this Complaint is not obtained. While many state and federal grant programs have ended over the past few years, the ITC is still in effect and used by many solar developers and customers. Bedford 58 Solar, LLC successfully captured the 30% ITC in 2019 under the safe harbor rules (the ITC is phasing down in years after 2019) by purchasing all of the solar modules needed for the Project, which are currently being stored on-site at the Bedford County Jail. The PPA under which the Bedford Solar Project is being financed enables Bedford County to capture a portion of the federal ITC. (As a unit of government, without the use of the third-party ownership and the PPA, Bedford County would be unable on its own to get the benefit of the federal ITC for the sake of the Commonwealth’s taxpayers.) Financial incentives make solar assets less costly and reduce the payback, or break-even period, directly supporting customers’ ability to install solar assets at their homes and businesses.

19. Pennsylvania’s Alternative Energy Portfolio Standard (“AEPS”) encourages the development of solar generation within the Commonwealth. The AEPS was enacted in 2004 and became effective in February 2005; it has since been revised by Act 35 of 2007 (effective July 2007) and Act 129 of 2008 (effective November 2008). The AEPS establishes a goal of generating 0.5% of the Commonwealth’s electricity supply from solar generation by compliance year 2020-2021.

20. In October of 2017, Governor Wolf signed Act 4010 into law, which effectively closed Pennsylvania’s borders to solar renewable energy credits (“SRECs”) generated from solar

facilities outside of the Commonwealth.¹ This action supports the development of solar facilities within the Commonwealth inasmuch as electric distribution companies and electric generation suppliers must now fulfill their solar obligations under the AEPS from the generation of solar energy within the Commonwealth. As a requirement of the CFA grant program, Bedford 58 Solar, LLC has agreed to sign over all of the SRECs that will be generated by the Bedford Jail Project for the benefit of taxpayers of the Commonwealth.

21. The Pennsylvania Department of Environmental Protection (“DEP”) in November 2018 released its Pennsylvania’s Solar Future Plan (“PSFP”).² The PSFP adopts a goal of ten percent (10%) of generation in Pennsylvania from distributed solar projects by 2030, and identifies the expansion of virtual net metering opportunities as a key strategy to achieve that goal.³

22. On January 8, 2019, Governor Tom Wolf issued Executive Order No. 2019-01, “Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance,” which establishes the goal of achieving a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.⁴ Under the Executive Order, all agencies under the Governor’s jurisdiction are required to “[p]rocure renewable energy to offset at least 40 percent of the Commonwealth’s annual electricity use and evaluate opportunities to

¹ Act 40 of 2017, H.B. 118, 2017 Pa. Laws 40.

² Pennsylvania Department of Environmental Protection, *Pennsylvania’s Solar Future Plan*, November 2018, available at <http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1413595&DocName=PENNSYLVANIA%26%2339%3bS%20SOLAR%20FUTURE%20PLAN.PDF%20%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e>

³ *Id.* at iv.

⁴ Available at <https://www.governor.pa.gov/newsroom/executive-order-2019-01-commonwealth-leadership-in-addressing-climate-change-and-promoting-energy-conservation-and-sustainable-governance/>

source electricity through Pennsylvania Certified Tier I credits, and/or direct purchase of renewable power generation sited within Pennsylvania.”

23. The Commission’s “Electric Power Outlook for Pennsylvania 2018-2023” states that “[o]ver 30 GW of new distributed solar photovoltaic is expected by the end of 2023.”⁵

D. Substantial Progress on Installation of the Bedford Solar Project

24. Following announcement of the \$900,698 grant from the Commonwealth Financing Authority’s Solar Energy Program in March 2018, Bedford County and RER began taking steps to commence installation of the Bedford Solar Project. RER submitted an Application for Interconnection to BREC in June 2018, which was accompanied by a check for \$7500. (*Biederman Affidavit, p. ___*) This was followed by extensive communications between Andrew Biederman of RER and Ryan T. Young, Manager of Engineering at BREC. (*Id.*)

25. The solar panels for the Bedford Solar Project were delivered to the site in the fall of 2018. On December 12, 2018, a groundbreaking ceremony was held at the site, attended by local leaders and Department of Community and Economic Development (DCED) Secretary Dennis Davin and Department of Environmental Protection (DEP) Executive Deputy Secretary Ramez Ziadeh. Secretary Davin stated at the time that “[t]he Wolf Administration is committed to cultivating a robust and diverse energy portfolio that takes full advantage of renewable technologies like solar. This project makes sense not just from an environmental perspective, but from an economic perspective as well. It’s great news for the Bedford area.” According to a statement issued by DEP Secretary Patrick McDonnell, “Pennsylvanians are increasingly interested in the benefits of getting electricity from solar energy at home, at work, at school, and throughout the community. While multi-purposing land around the correctional facility, creating

⁵ Available at http://www.puc.state.pa.us/General/publications_reports/pdf/EPO_2019.pdf, page 5.

jobs, and lowering electricity costs, the Bedford County solar array will remove over 1,600 metric tons of carbon dioxide from the air, helping to address the challenges of climate change. The project perfectly exemplifies how the diverse benefits of solar energy can improve quality of life for our communities.” Josh Lang, chairman of the Bedford County Board of Commissioners stated that “[t]he Bedford County solar project is a great example of coordination and collaboration working – one of the county’s overarching goals. This project is another successful implementation of forward-thinking innovative technology that will benefit taxpayers for years to come. I thank everyone who helped to make this project a reality.”

26. At the time of the groundbreaking, the Bedford Solar Project was expected to become operational in the spring of 2019. As discussed below, however, BREC is refusing to interconnect the Project as it is currently structured and the unfavorable terms under which BREC would interconnect the Project make it economically infeasible. Without the relief requested in this Complaint, the Bedford Solar Project will not become a reality.

E. The Impact of BREC’s Terms of Utility Service on the Bedford Solar Project

27. Under BREC’s Net Metering Rate Rider for Member-owned Alternative Energy Production Systems (attached hereto as Appendix B) (“Net Metering Rider”), the size of any “alternative energy system” interconnected with BREC is limited to 200 kilowatts (kW), which is substantially smaller than the 1.8 MW installation of the Bedford Solar Project.

28. Unlike most electric distribution companies operating in Pennsylvania—which allow excess kilowatthours (kWhs) during any billing period to be carried over to successive periods, subject to an annual reconciliation—BREC’s Net Metering Rider prohibits such excess generation within a billing period to be carried over to succeeding billing periods. Rather, the

energy produced by any alternative energy system during any billing period is purchased by BREC at a rate much lower than the applicable net metering rates (its retail price of electricity).

29. And rather than using its own actual “avoided costs” as the price for such excess generation during a billing period—which is about seven cents per kWh—BREC uses the avoided costs of Allegheny Electric Cooperative, which is about 2.5 cents per kWh. (*Karsten Affidavit*, p. __)

30. Under BREC’s Net Metering Rider, meter aggregation is permitted only if the other metered locations are also customers of BREC, and must be located within two miles of the alternative energy system. Bedford County sized the Bedford Solar Project to enable virtual net metering for other County-owned buildings, all of which, while located within two miles of the Bedford Solar Project, are located in the adjacent Penelec service territory.

31. As described in the Affidavit of Kurt D. Karsten, included as Appendix B, BREC is refusing to interconnect the Bedford Solar Project under the configuration proposed by Bedford County (i.e., with third-party ownership through a PPA and sized to accommodate virtual net metering of other County-owned buildings).

32. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC (and its electric supplier, Allegheny Rural Cooperative) buying all of the excess output of the Project each month at a rate of 2.5 cents per kWh, far below BREC’s retail rate (about 10.1 cents per kWh) and its avoided costs (about 7 cents per kWh). (*Karsten Affidavit*, p. __) BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project described above.

33. The cancellation of the Bedford Solar Project would result in the loss of: (a) the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, (b) the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, (c) the substantial cost saving benefits to Bedford County and its taxpayers, and (d) 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania’s clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

F. The Proposed Solution

34. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

35. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec’s net metering tariff sets a 2 MW cap on the size of distributed energy resources, and allows excess generation each month to be carried forward to successive months. As described in the Affidavit of Barry Dallara, service by Penelec to the Bedford County Jail would also enable the County to actively manage multiple attributes of the Jail’s electric consumption, by (a) allowing the Jail’s electric generation to be managed by the County’s energy consortium provider, PA Public Entity Energy Consortium (PPEEC), (b) enabling the County to take advantage of the programs offered by Penelec pursuant to Act 129, including Phase III utility rebates and future program offerings, (c) giving the County the option of enrolling the Jail’s electric account into one, or more, of the Demand Response programs administered by the

PJM Interconnection, Inc. (“PJM”), the regional wholesale electric market serving Pennsylvania, and (d) enabling the County to manage its Peak Load Contribution (PLC) and Network Service Peak Load (NSPL) in a manner that would produce long-term benefits in lowering the related miscellaneous charges on its monthly electric invoices. (*Dallara Affidavit, p. ___*)

36. Under the proposed solution, Bedford County and its taxpayers would capture the economic benefits of the Bedford Solar Project: savings of as much as \$5.3 million in energy costs over the 30-year estimated useful life of the Project. And the Commonwealth would benefit from 1.8 MW of renewable energy, thereby helping to achieve the aggressive GHG reduction goals in Governor Wolf’s January 2019 Executive Order.

37. Although the point of delivery for service to the Bedford County Jail and interconnection of the Bedford Solar Project would be at the boundary line between BREC and Penelec, because the facility served is located within BREC’s service territory, authorization from the Commission under the Territory Act is necessary.

III. Requested Relief

38. As noted above, § 7355(c) of the Territory Law provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

15 Pa.C.S. § 7355(c)

39. The retail electric service being furnished by BREC to the Bedford County Jail is inadequate. As described in the affidavit of Kurt D. Karsten, BREC refuses to interconnect the Bedford Solar Project as proposed, and refuses to allow a change in electric service providers to Penelec for its member, the Bedford County Jail, even though Bedford County has requested the right to withdraw from its membership in BREC, as provided for in the BREC Bylaws. Even if

the Project could be interconnected, the terms under BREC’s Net Metering Rider would enrich BREC at the expense of Bedford County taxpayers, and deny Bedford County and the taxpayers of the Commonwealth of Pennsylvania the economic benefits of the Project.

40. The inadequate retail electric service being furnished by BREC to the Bedford County Jail is not likely to be made adequate. As indicated in Mr. Karsten’s affidavit, there is no reason to expect BREC’s position on interconnecting the Bedford Solar Project to change. Nor is there any reason to believe that BREC will change the terms of its Net Metering Rider to bring it in line with legally mandated tariffs of other electric distribution companies in Pennsylvania (i.e., interconnecting distributed energy resources up to 2 MW, allowing excess generation each month to be carried forward on an annual basis, and paying the interconnecting utility’s actual avoided cost for any excess generation on the basis of an annual reconciliation).

41. Section 7355(c) of the Territory Law empowers the Commission to grant relief to Bedford County, by authorizing another electric supplier—Penelec—to furnish retail electric service to the affected facility—the Bedford County Jail. Under Bedford County’s proposed solution, the Bedford County Jail and the Bedford Solar Project could be interconnected with Penelec at the boundary of Penelec’s service territory with BREC’s service territory, without the need of obtaining any easements from third party landowners. All interconnection equipment would be located on Bedford County’s property.

WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC’s retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

James M. Van Nostrand
Counsel for Bedford County

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: July __, 2020

APPENDICES

- A. Map of Service Territories
- B. Net Metering Rate Rider for Member-owned Alternative Energy Production Systems
- C. Affidavit of Kurt D. Karsten
- D. Affidavit of Andrew Biederman
- E. Affidavit of Barry Dallara
- F. Map showing location of Bedford County Jail, railroad right-of-way, and boundary of Penelec service territory



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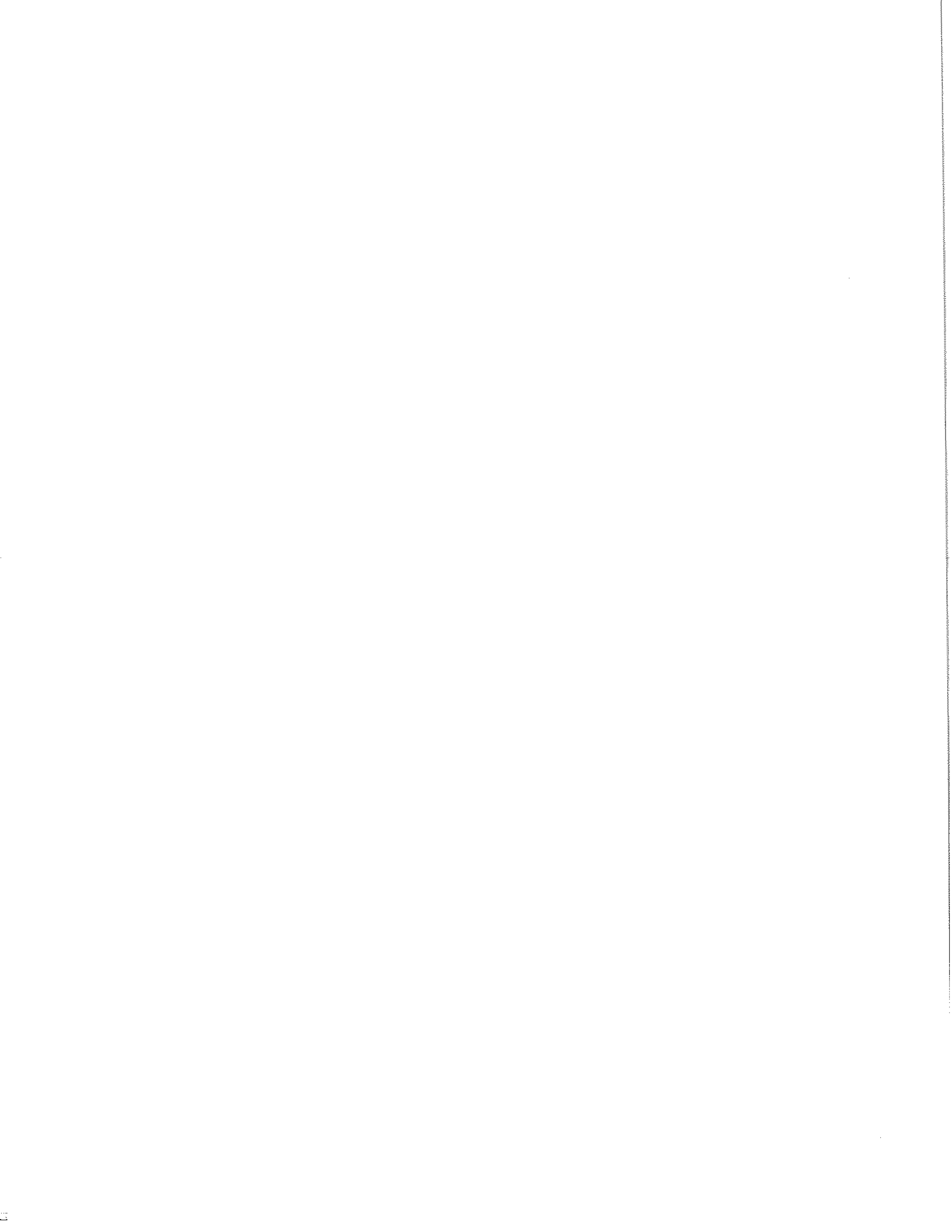
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Commissioner Dallara,

I apologize again for the time this is taking to get filed. I have attached a draft of an affidavit for your review that I hope you would be able to sign to support the Petition. This was prepared by the attorneys RER has hired to try and get this Service Territory change implemented. The critical paragraphs of the affidavit are paragraphs 5, 6, 7. Obviously, please edit as necessary, but this affidavit is based upon emails you have sent over the past two years detailing conversations, so I hope it does not seem too presumptuous that it has been drafted how it has.

Please let me know if you wish to discuss any aspect of any of the attached.

Kurt D. Karsten, Esq.
621 Ridgely Ave.
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Annapolis, MD 21401
410-991-3184
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-_____
	:	
Bedford Rural Electric Cooperative,	:	
Respondent	:	

AFFIDAVIT OF BARRY DALLARA

I, Barry Dallara, hereby solemnly affirm under the penalties of perjury that I am over the age of 18, competent to testify, and not a party to this action, and state as follows:

1. I am the Vice-Chairman of the Bedford County Board of Commissioners, who is the Complainant in the above captioned matter.

2. With the help of a \$900,698.00 Grant awarded to Bedford County by the Commonwealth of Pennsylvania Commonwealth Financing Authority for the purposes of furthering Governor Tom Wolf’s policies of supporting renewable energy projects for the benefit of the citizens of Pennsylvania, Bedford County is developing a 1.38 megawatt (“MW”) aggregated virtual net metering solar array (the “Bedford Solar Project”) which will be situated on approximately 6 acres of land on the site of the Bedford County Jail, and which is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and, in fact, has the potential to provide several benefits to the Jail. Bedford County owns the parcel projected for the array and has signed a land lease authorizing the development on site.

3. Pursuant to a Power Purchase Agreement (“PPA”) for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will supply 100% of the

electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project), and will also produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County.

4. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County's cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric service provided by both of the County's retail electric suppliers (Penelec and Bedford Rural Electric Cooperative a/k/a "BREC"). It has been estimated that the Bedford Solar Project will result in savings of as much as \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

5. On or about June 4, 2018, I spoke with representatives from RER Energy, Larry Myers (1st Vice Chairman, Municipal Authority of the Borough of Bedford) ("Mr. Myers"), and Brooks R. Shoemaker (General Manager & CEO, BREC) ("Mr. Shoemaker") regarding the interconnection agreement proposed by RER Energy to provide a solar array to remote net meter excess from the Bedford Prison to the Bedford County Courthouse.

6. Shortly thereafter, I had a personal conversation with Mr. Shoemaker at which time I discussed BREC's relationship with Allegheny Electric Cooperative and, specifically, conversations between BREC and Ben Ricci (Manager, Alternative Energy and Competitive Markets, Allegheny Electric Cooperative) ("Mr. Ricci").

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8. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, RER Energy Group proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

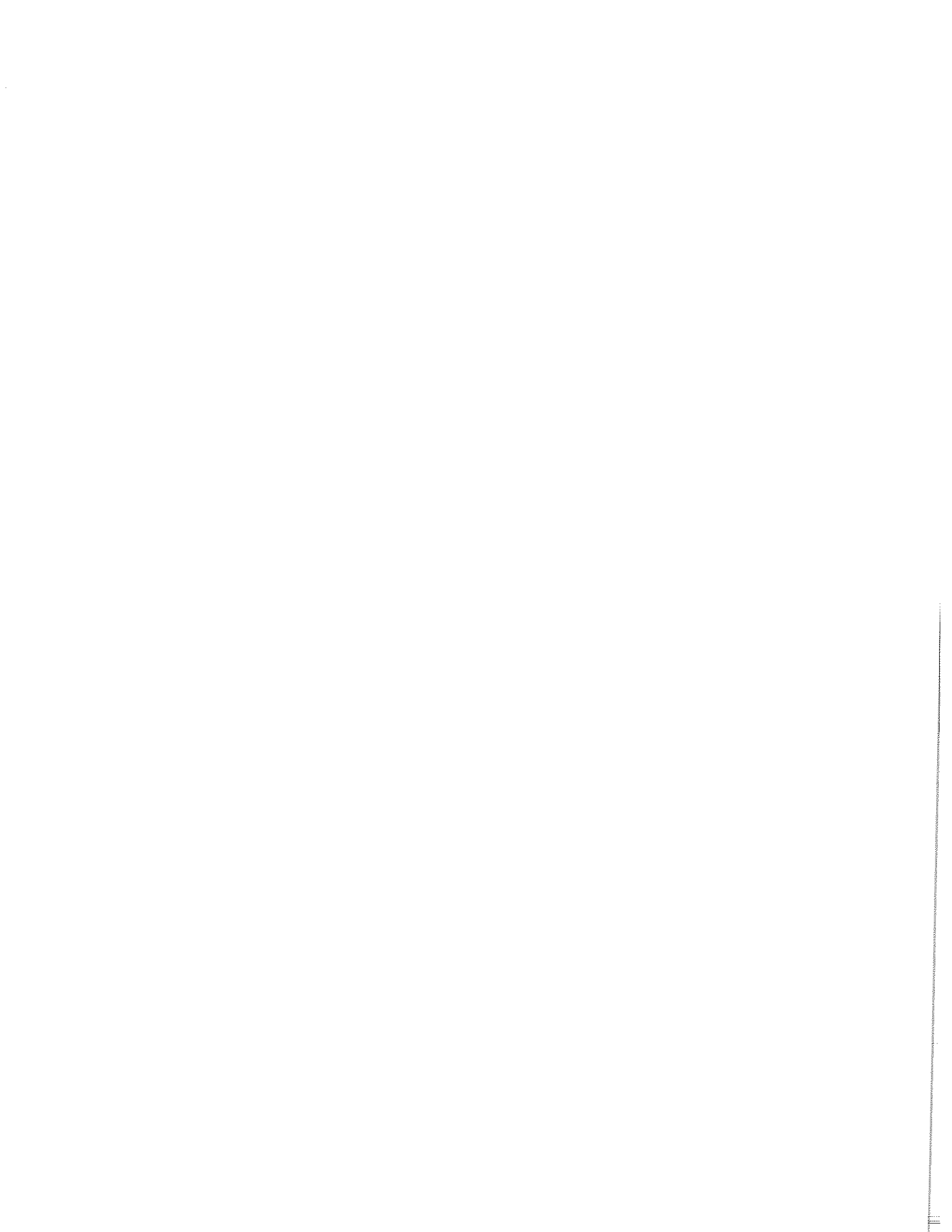
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Date

Barry Dallara, Commissioner



Debra Brown

From: Commissioner Dallara
Sent: Wednesday, August 12, 2020 3:33 PM
To: Kurt Karsten
Cc: Commissioner Baughman; Commissioner Lang
Subject: Re: BCCF Solar Project

Kurt, thank you for your response. I would like to call you at 10 am tomorrow, to further discuss the project. Will you be available at that time?

Sent from my iPhone

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>

> Kurt

>

> Kurt D. Karsten, Esq.

> 621 Ridgely Ave.

> Suite 402

> Annapolis, MD 21401

> 410-991-3184

> KarstenLaw@gmail.com

>

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> <PUC Complaint 08.12.20 Draft-7.docx>

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>> <https://verify.exchangedefender.com/verify.php?id=07AHcDmY017789&from>

>> =cdallara@bedfordcountypa.org

>>

>>

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To: Commissioner Dallara
Cc: Commissioner Baughman; Commissioner Lang
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621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

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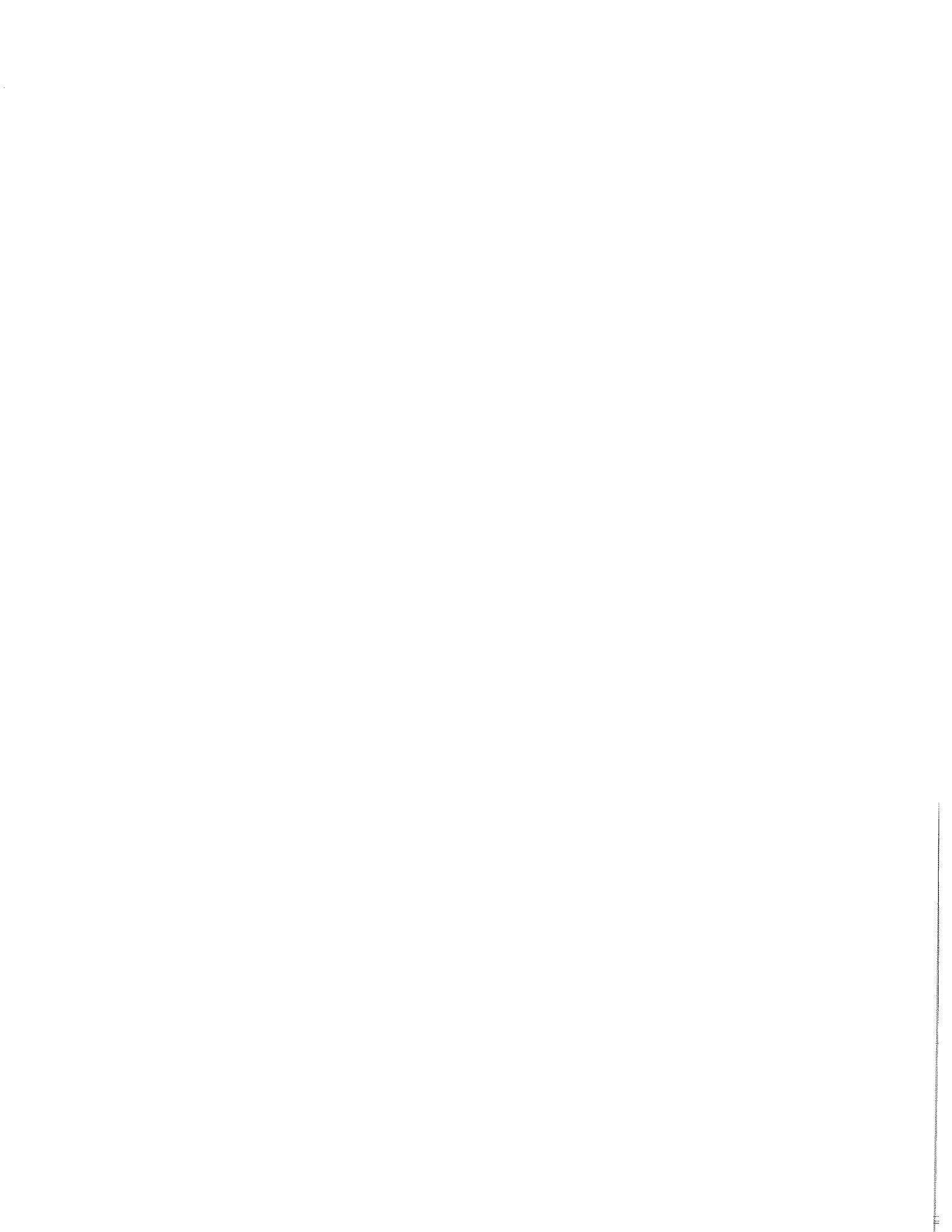
Debra Brown

From: Commissioner Dallara
Sent: Thursday, August 13, 2020 9:47 AM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Lang
Subject: Calendar

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Deb, I'm working at home this am. I have a conference call at 10:00 am today with RER Energy, also please add two events to my calendar for tomorrow. 9:00 am meeting at MCS in Alum Bank, and lunch meeting at the Ivy Stone at 12 noon.

Sent from my iPhone



Debra Brown

From: Commissioner Dallara
Sent: Thursday, August 13, 2020 10:33 AM
To: Commissioner Lang; Commissioner Baughman; Troy Nelson
Cc: Kurt Karsten
Subject: Solar Project

All, I just finished a call with Kurt Karsten chief legal council for RER Energy. He advised that the PUC is now accepting new petitions for filing to hear our petition. He will be sending in the next few days an affidavit for signature that will be part of our petition. I am comfortable signing it on behalf of the county since I was the primary contact in the past. This is good news. Kurt assured me that RER Energy will use all recourse available to insure our solar project is completed.

Sent from my iPhone



Debra Brown

From: Commissioner Baughman
Sent: Thursday, August 13, 2020 11:00 AM
To: Commissioner Lang; Troy Nelson; Commissioner Dallara
Cc: Kurt Karsten
Subject: Re: Solar Project

Follow Up Flag: Flag for follow up
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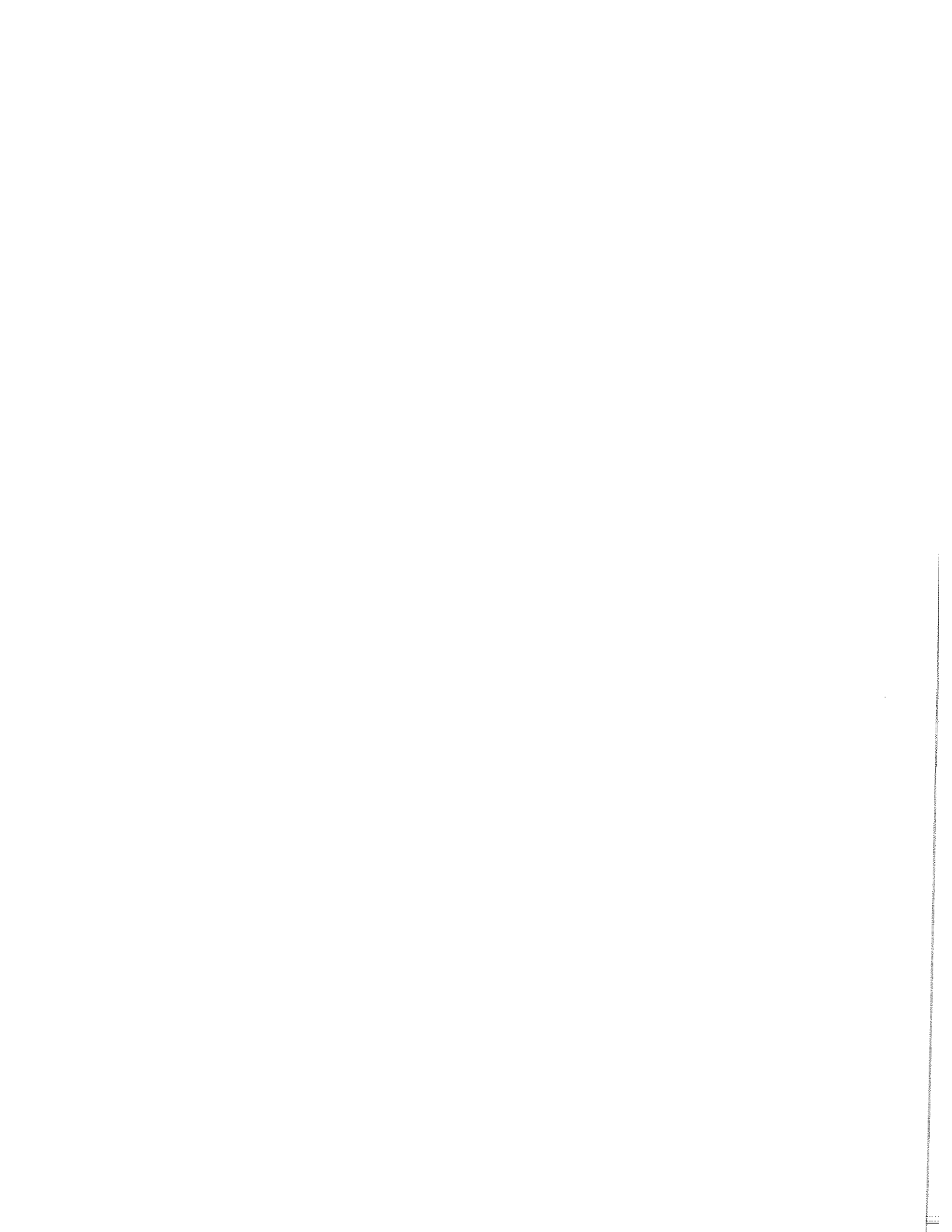
Good work.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Thursday, August 13, 2020 10:32:57 AM
To: Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>;
Troy Nelson <tnelson@bedfordcountypa.org>
Cc: Kurt Karsten <karstenlaw@gmail.com>
Subject: Solar Project

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Sent from my iPhone



Debra Brown

From: Commissioner Dallara
Sent: Thursday, August 13, 2020 12:29 PM
To: Kurt Karsten
Subject: Re: BCCF Solar Project

Kurt, it is my belief that Atty Rod Rose of RER Energy had the discussions with Brooks Shoemaker of BREC regarding the statements reflected in Paragraphs 5,6,&7 of the draft affidavit. As I stated in our phone conversation today, I have not by design spoken directly to Mr Shoemaker he has been adversarial toward this project since it's inception.

Kurt, This was an RER Energy project that would serve Bedford County. RER Energy wrote and received the grant from the PA CFA, not Bedford County. Therefore even though Commissioner Crooks may have had a limited dialog with Mr Shoemaker with regards to the solar project I did not, nor did I feel it appropriate for me to do so.

Sent from my iPhone

On Aug 12, 2020, at 3:49 PM, Kurt Karsten <karstenlaw@gmail.com> wrote:

Yes, that will work.

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

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Sent from my iPhone

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Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Friday, August 14, 2020 9:23 AM
To: Commissioner Dallara
Cc: Commissioner Lang; Commissioner Baughman; Troy Nelson; Jim Kurtz
Subject: Re: Solar Project
Attachments: Affidavit of Commissioner Barry Dallara 8-14-20.docx; ATT00001.txt

Follow Up Flag: Flag for follow up
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Commissioner Dallara,

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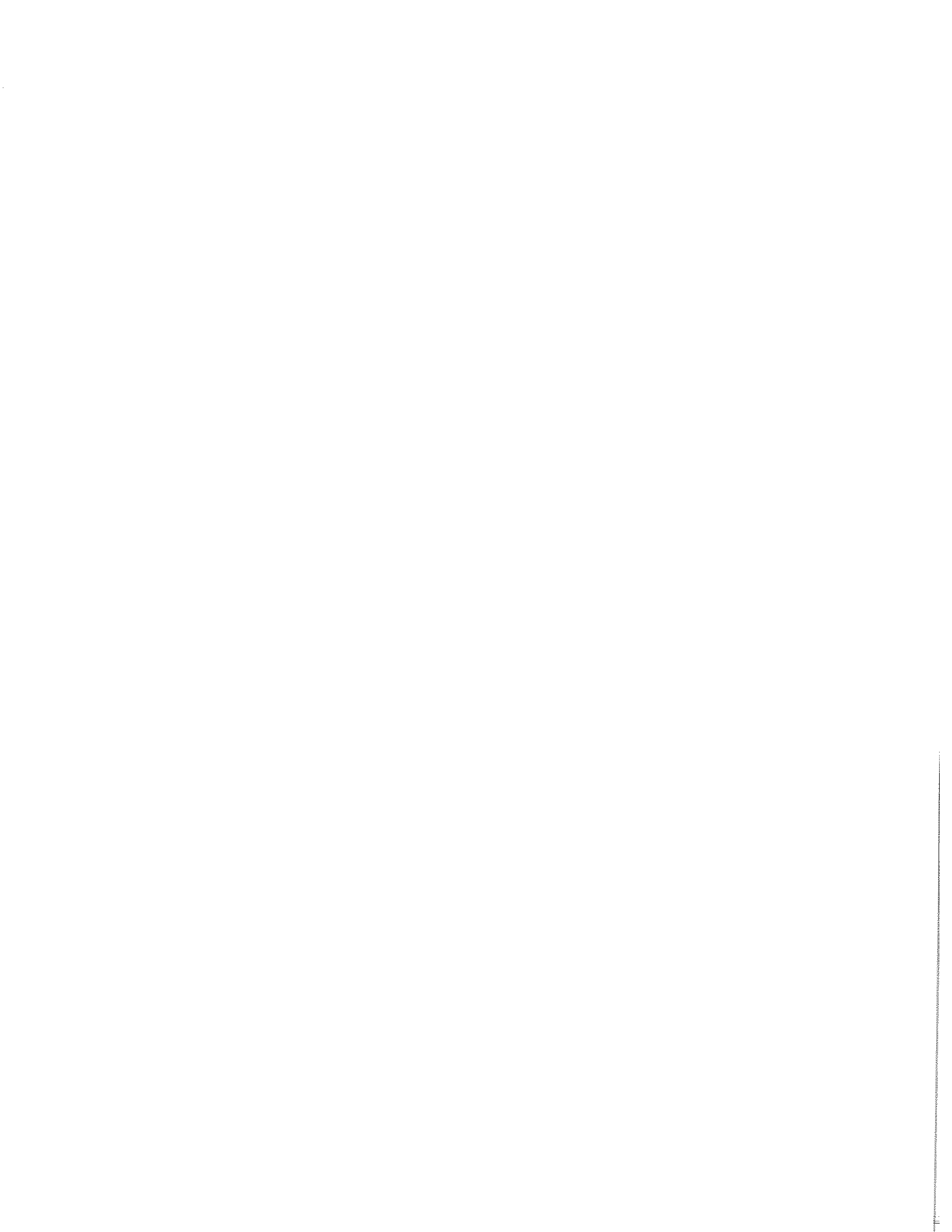
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I would appreciate your considered guidance on that question.

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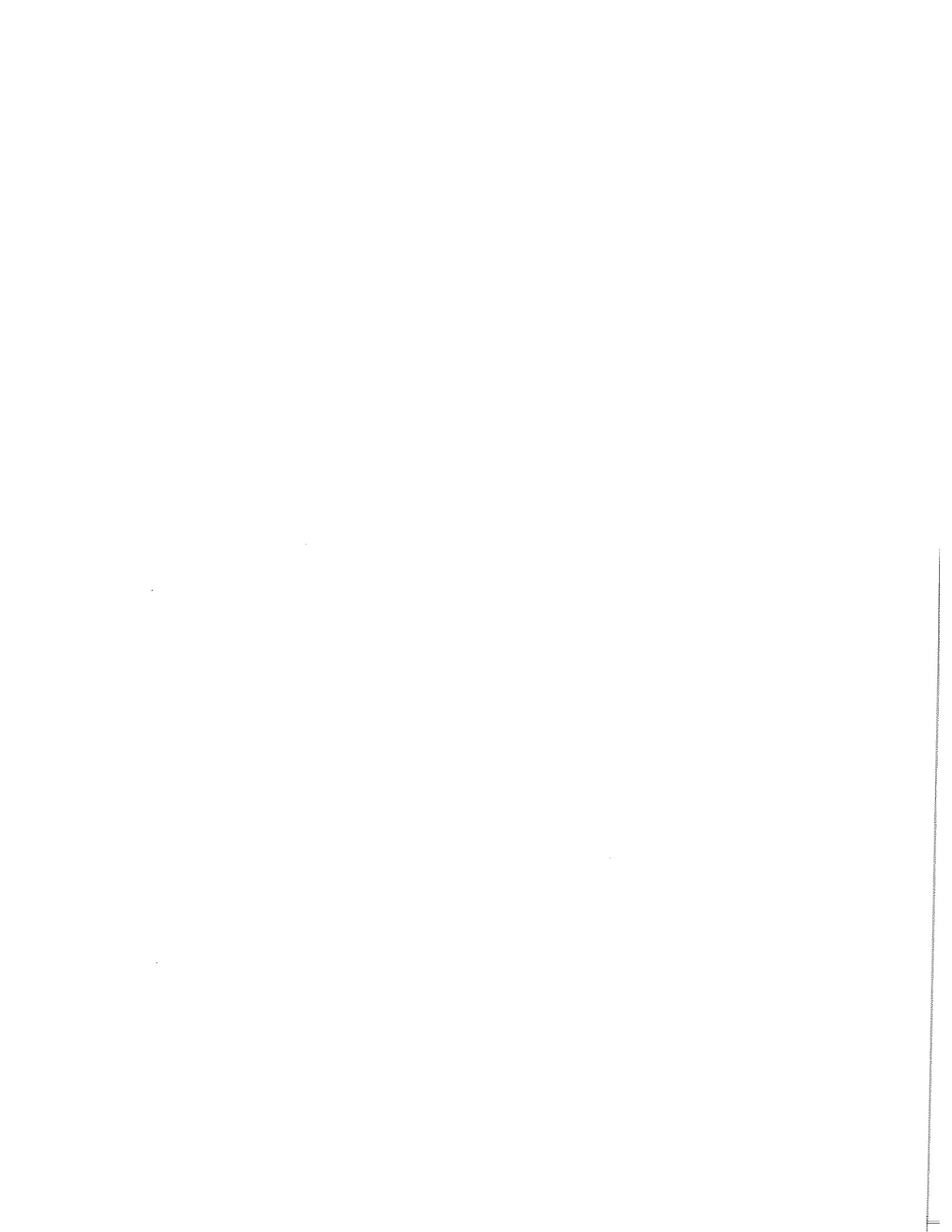
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-_____
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Respondent	:	

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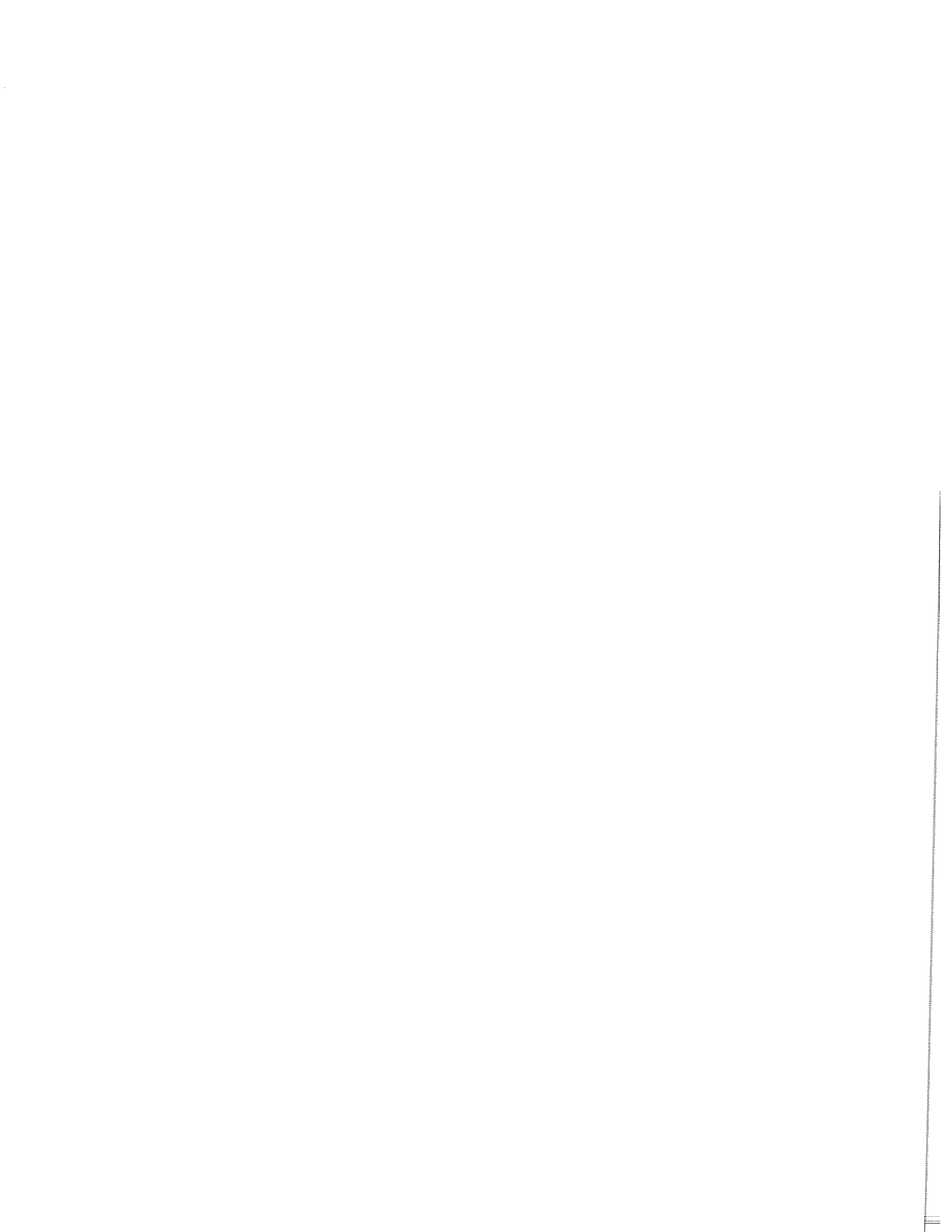
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Sent: Friday, August 14, 2020 11:40 AM
To: Commissioner Dallara
Subject: Re: Solar Project

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Kurt

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Sent: Tuesday, August 18, 2020 11:29 AM
To: Debra Brown
Subject: Fwd: Solar Project
Attachments: Affidavit of Commissioner Barry Dallara 8-14-20.docx; ATT00001.htm

FYI

Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: August 14, 2020 at 9:23:32 AM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>, Troy Nelson <Tnelson@bedfordcountypa.org>, Jim Kurtz <jkurtz@rerenergygroup.com>
Subject: Re: Solar Project

Commissioner Dallara,

Thank you for your call yesterday, and I appreciate your patient understanding of the fix that Mr. Shoemaker and the Pandemic have put this project in. RER is committed to working through this situation and committed to delivering a solar project that can deliver the benefits solar provides, and I have attached the affidavit that we discussed yesterday for review by the Commissioners in support of the Petition that was drafted by the lawyers that RER has hired and are paying to represent Bedford County in this matter.

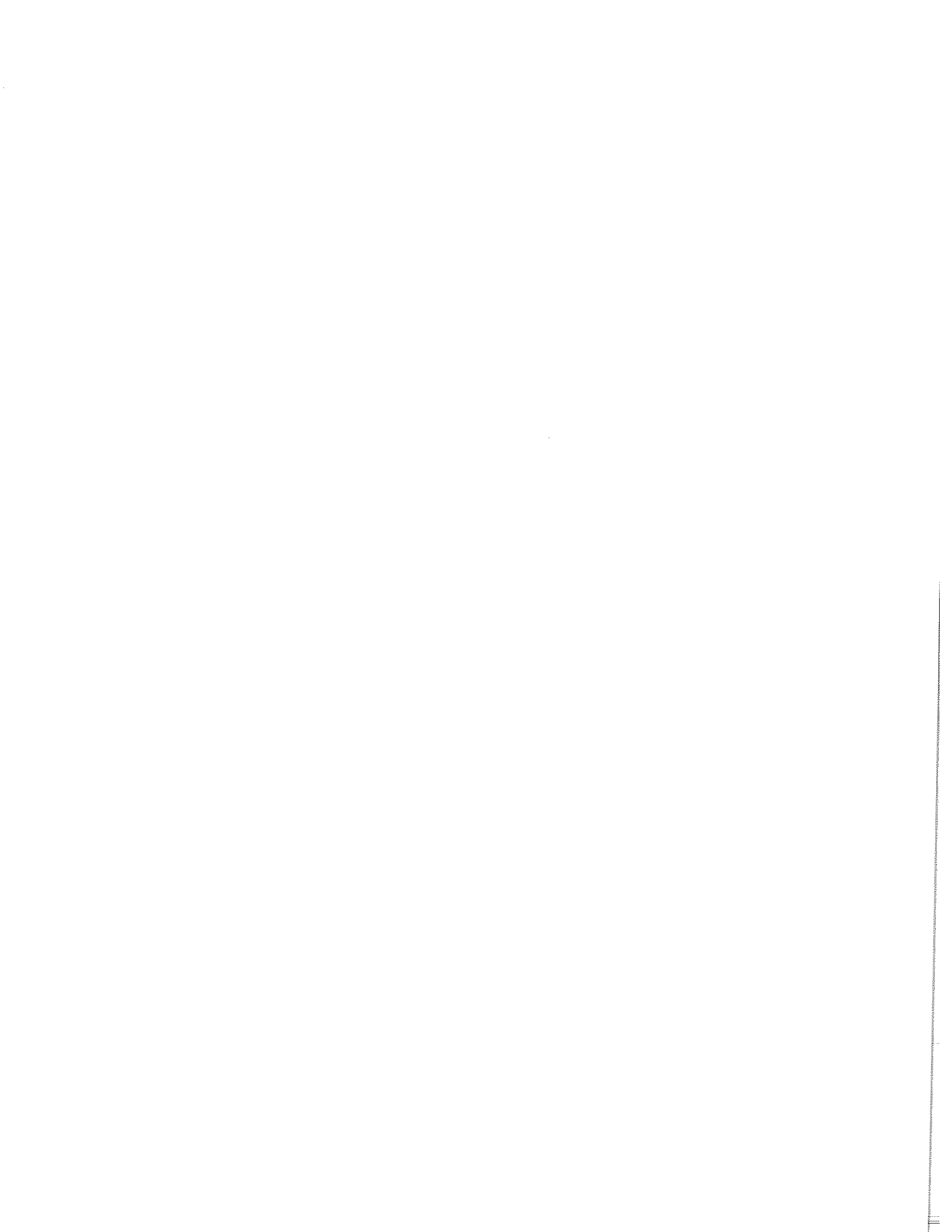
One question for you - knowing Mr. Shoemaker to the extent that you do, do you believe I should provide him, personally, and discreetly, with an advance copy of the Petition and tell him that it will be filed within 5 days, and ask him to reconsider his unwillingness to allow the Jail to switch service territories, before this becomes a public battle?

I would appreciate your considered guidance on that question.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-_____
	:	
Bedford Rural Electric Cooperative,	:	
Respondent	:	

AFFIDAVIT OF BARRY DALLARA

I, Barry Dallara, hereby solemnly affirm under the penalties of perjury that I am over the age of 18, competent to testify, and not a party to this action, and state as follows:

1. I am the Vice-Chairman of the Bedford County Board of Commissioners, who is the Complainant in the above captioned matter.

2. With the help of a \$900,698.00 Grant awarded to Bedford County by the Commonwealth of Pennsylvania Commonwealth Financing Authority for the purposes of furthering Governor Tom Wolf’s policies of supporting renewable energy projects for the benefit of the citizens of Pennsylvania, Bedford County is developing a 1.38 megawatt (“MW”) aggregated virtual net metering solar array (the “Bedford Solar Project”) which will be situated on approximately 6 acres of land on the site of the Bedford County Jail, and which is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and, in fact, has the potential to provide several benefits to the Jail. Bedford County owns the parcel projected for the array and has signed a land lease authorizing the development on site.

3. Pursuant to a Power Purchase Agreement (“PPA”) for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will supply 100% of the

electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project), and will also produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County.

4. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County's cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric service provided by both of the County's retail electric suppliers (Penelec and Bedford Rural Electric Cooperative a/k/a "BREC"). It has been estimated that the Bedford Solar Project will result in savings of as much as \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

5. On or about June 4, 2018, I spoke with representatives from RER Energy, Larry Myers (1st Vice Chairman, Municipal Authority of the Borough of Bedford) ("Mr. Myers"), and Rodney Rose ("Rose") and Brooks R. Shoemaker (General Manager & CEO, BREC) ("Mr. Shoemaker") regarding the interconnection agreement proposed by RER Energy to provide a solar array to remote net meter excess from the Bedford Prison to the Bedford County Courthouse.

6. Shortly thereafter, Rodney Rose informed me of a telephone conversation with Mr. Shoemaker at which time BREC's relationship with Allegheny Electric Cooperative and, specifically, conversations between BREC and Ben Ricci (Manager, Alternative Energy and Competitive Markets, Allegheny Electric Cooperative) ("Mr. Ricci") were discussed.

7. It was my understanding, following these conversations, that Allegheny Electric Cooperative and BREC were going to cooperate in effecting a virtual net metering of Bedford County-owned buildings in order to realize the cost savings to the taxpayers of Bedford County.

8. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, RER Energy Group proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

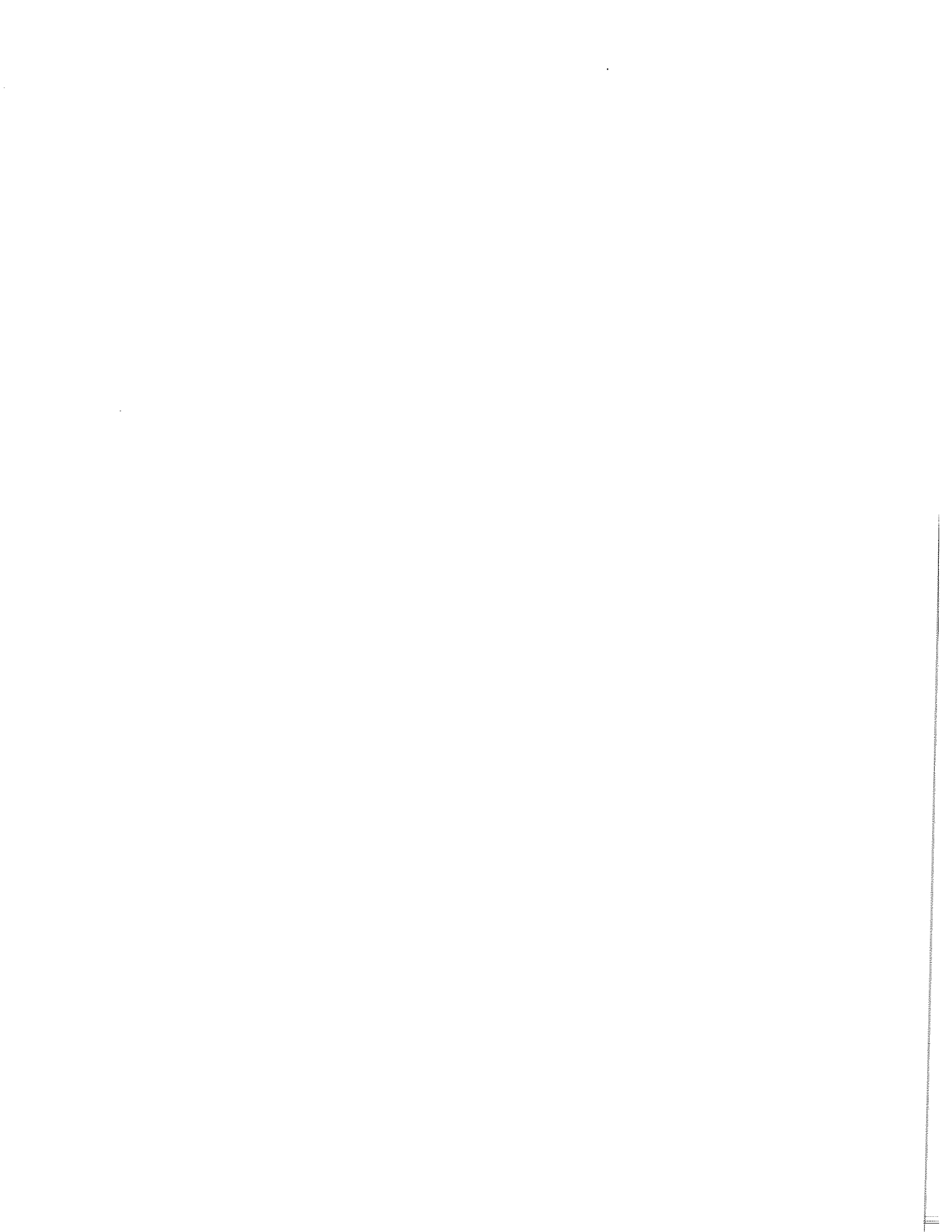
9. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec's net metering tariff sets a 2 MW cap on the size of distributed energy resources and allows excess generation each month to be carried forward to successive months.

10. Under the proposed solution, Bedford County and its taxpayers would capture the economic benefits of the Bedford Solar Project: savings in energy costs over the 30-year estimated useful life of the Project. And the Commonwealth would benefit from 1.8 MW of renewable energy, thereby helping to achieve the aggressive GHG reduction goals in Governor Wolf's January 2019 Executive Order.

11. Although the point of delivery for service to the Bedford County Jail and interconnection of the Bedford Solar Project would be at the boundary line between BREC and Penelec, because the facility served is located within BREC's service territory, authorization from the Commission under the Territory Act is necessary.

Date

Barry Dallara, Commissioner



Debra Brown

From: Commissioner Lang
Sent: Monday, August 24, 2020 8:37 AM
To: Commissioner Dallara; Commissioner Baughman
Subject: FW: Bedford county jail solar project

Josh Lang, Chairman
Bedford County Commissioner
200 S. Juliana Street
Bedford, PA 15522
(814) 623-4807
www.bedfordcountypa.org



From: richard groundhogsolar.com <richard@groundhogsolar.com>
Sent: Saturday, August 22, 2020 5:49 PM
To: Commissioner Lang <jlang@bedfordcountypa.org>
Subject: Bedford county jail solar project

Mr. Lang,

I had heard a little over a year ago that there were some problems with the county jail solar project. I was near the jail today and decided to drive by and see if the project was ever completed and I was shocked to see all those modules wasting away in the field....which I guess means that the project had terminal problems.

I'd like to talk with someone about what issues you had and to see if there is a way that that project or some other project for the county could be resurrected to at least make use of all those modules.

I was also planning on contacting someone with the Bedford VFD to see about putting solar on the new fire department. My company has done this for other non-profits via PPAs (Power Purchase Agreements) with shorter and more favorable terms that you would get elsewhere.

Can you please put me into contact with whoever is the most knowledgeable person to talk with about this? It seems such a shame for Bedford's efforts to lock in long-term rates with solar to fall apart.

Richard Flarend

Groundhog Solar LLC

Altoona, PA

NABCEP Certified PV Installation Professional

814-204-3900

PA072452

Debra Brown

From: Commissioner Dallara
Sent: Monday, August 24, 2020 8:41 AM
To: Commissioner Lang
Cc: Commissioner Baughman
Subject: Re: Bedford county jail solar project

All, until we receive the date for the PUC Hearing to have the BCCF Property transferred to the PENELEC Territory from BREC I don't feel comfortable meeting with others.

Sent from my iPhone

On Aug 24, 2020, at 8:37 AM, Commissioner Lang <jlang@bedfordcountypa.org> wrote:

Josh Lang, Chairman
Bedford County Commissioner
200 S. Juliana Street
Bedford, PA 15522
(814) 623-4807
www.bedfordcountypa.org

<image002.png>

From: richard groundhogsolar.com <richard@groundhogsolar.com>
Sent: Saturday, August 22, 2020 5:49 PM
To: Commissioner Lang <jlang@bedfordcountypa.org>
Subject: Bedford county jail solar project

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Richard Flarend

Groundhog Solar LLC

Altoona, PA

NABCEP Certified PV Installation Professional

814-204-3900

PA072452

Debra Brown

From: Rachel Papuga
Sent: Thursday, August 27, 2020 4:02 PM
To: Donald Schwartz
Subject: Fw: PENNSYLVAN CALL - 8142043900 for x2688 - 1:47 min.
Attachments: 15985575697171_1.wav

Don,
I received this voicemail (the audio should be attached to this email).

I hadn't heard anything about the solar panels projecting falling through at the jail. Can you help this gentleman or do you know who I should forward this message to?

-Rachel

From: Wave <wave@bedfordcountypa.org>
Sent: Thursday, August 27, 2020 3:46:28 PM
To: Rachel Papuga
Subject: Msg: PENNSYLVAN CALL - 8142043900 for x2688 - 1:47 min.

To listen to this message either:

- * Pick up your phone and log into voicemail
- * Launch Wave ViewPoint and select Voice Messages
- * Double-click on the attached file

Wave Code:226365:2239:1



Debra Brown

From: Rachel Papuga
Sent: Thursday, August 27, 2020 5:31 PM
To: Donald Schwartz
Subject: Re: PENNSYLVAN CALL - 8142043900 for x2688 - 1:47 min.

Okay. That is kinda what I thought but I wasn't absolutely sure.

Thanks,

Rachel

Get [Outlook for iOS](#)

From: Donald Schwartz <dschwartz@bedfordcountypa.org>
Sent: Thursday, August 27, 2020 4:23 PM
To: Rachel Papuga
Subject: RE: PENNSYLVAN CALL - 8142043900 for x2688 - 1:47 min.

Rachel,

I will speak to him and let him know that he needs to speak to the commissioners about the project. There has been a problem on the project but it needs to be addressed at the commissioner level.

Don

-----Original Message-----

From: Rachel Papuga <rpapuga@bedfordcountypa.org>
Sent: Thursday, August 27, 2020 4:02 PM
To: Donald Schwartz <dschwartz@bedfordcountypa.org>
Subject: Fw: PENNSYLVAN CALL - 8142043900 for x2688 - 1:47 min.

Don,

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To listen to this message either:

- * Pick up your phone and log into voicemail
- * Launch Wave ViewPoint and select Voice Messages

* Double-click on the attached file

Wave Code:226365:2239:1

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, September 15, 2020 8:53 AM
To: Commissioner Dallara
Cc: Commissioner Lang; Commissioner Baughman; Troy Nelson
Subject: Re: Solar Project
Attachments: PUC Complaint 09.15.20.docx; ATT00001.txt

Commissioner Dallara,

This has taken a little longer than anticipated due to a variety of reasons in bringing together a number of people to get this final version, but I am attaching the Final Draft of the PUC Petition that we intend to file today, if possible. I wanted to give you a chance to review the final draft, and I also wanted to ask if the County Commission thought it made sense to have a public statement available to release in connection with the filing, since the filing will not be local, so it may not get picked up in the local news cycle, however, we would want to define the filing early in the process, rather than allow others the first shot in defining it in the news cycle.

Let me know your thoughts on any and all of the above, and give a green light on filing today if you think we are there..

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com



organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs. The Board of Commissioners is the legislative and administrative body of county government in Bedford County.

3. Counsel for Complainant is as follows:

James M. Van Nostrand
Of Counsel
Keyes & Fox LLP
320 Ft. Duquesne Blvd, #15K
Pittsburgh, PA 15222-1126
jvannostrand@keyesfox.com

4. Respondent is Bedford Rural Electric Cooperative, Inc., a non-profit electric cooperative incorporated on June 2, 1939, with a principal place of business at 8846 Lincoln Hwy, Bedford, PA 15522. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. BREC serves over 9,000 members and maintains 9 substations and over 1,260 miles of line.

5. Penelec, a FirstEnergy company, is an electric distribution company with offices located at 2312-2334 Oakland Ave, Indiana, PA 15701. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility service as an electric distribution company to the public for compensation, including multiple locations owned by Bedford County.

6. Both Penelec and BREC are “retail electric supplier[s]” under § 7352 of the Territory Law, 15 Pa.C.S. § 7352. Penelec and BREC have a mutual boundary in an unincorporated area of Bedford County.

7. In addition to the several pieces of real property owned by Complainant that receive electric service from Penelec, Complainant owns one piece of real property (the

“Bedford County Jail”) that, by virtue of an abandoned railroad bed that is part of the Bedford County Jail property, transects the mutual boundary between BREC and Penelec (i.e., the property is partially within the Penelec service territory and partially within the BREC service territory). The Bedford County Jail has traditionally received electric service from BREC, and Bedford County is a member of BREC.

8. Under the Territory Law, the Commission has jurisdiction to establish the certified territory between retail electric suppliers, where one supplier is an electric cooperative (BREC) and the other potential supplier (Penelec) is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service. 15 Pa.C.S. § 7351

9. The Territory Law allows Bedford County to seek relief from inadequate service provided by BREC. Section 7355(c) provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

10. Bedford County seeks a ruling from the Commission that, based upon the facts and circumstances described herein, the retail electric service being furnished by BREC to the Bedford County Jail is inadequate and is not likely to be made adequate. Complainant respectfully requests that the Commission authorize Penelec to be the retail electric supplier to the Bedford County Jail property for the reasons stated below.

II. Background

A. The Proposed Project

11. With the help of a \$900,698.00 grant awarded to Bedford County by the Pennsylvania Commonwealth Financing Authority’s Solar Energy Program, Bedford County is

developing a 1.3 megawatt (“MW”) aggregated virtual net metering solar array (the “Bedford Solar Project”) which will be situated on approximately 6 acres of land on the site of the Bedford County Jail. In addition to providing electricity to the Bedford County Jail, the Bedford Solar Project is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and, in fact, has the potential to provide several benefits to the Jail. Bedford County owns the parcel on which the array will be built and has signed a land lease authorizing the development on site.

12. The overall budget for the Bedford Solar Project is \$3,327,070. As stated, the grant of \$900,698 provided by the CFA Solar Energy Program toward the cost of the Bedford Solar Project represents about 27% of the overall project budget. The remaining funding will be provided by the third party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners.

13. Pursuant to a Power Purchase Agreement (“PPA”) for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will supply 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project), and will also produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County.

14. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County’s cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric

service provided by both of the County's retail electric suppliers (Penelec and BREC). The Bedford Solar Project is expected to produce savings of \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

B. Benefits of the Proposed Project to Bedford County

15. As stated, the taxpayers of Bedford County would receive substantial benefits from the financial savings created from the Bedford Solar Project. The Bedford County Jail is currently the single largest line item expenditure in the annual Bedford County budget. By significantly reducing the operation and maintenance costs of the Bedford County Jail facility—without requiring increases in taxation on the citizens of Bedford County—the Bedford Solar Project would provide a direct financial benefit to all taxpayers in Bedford County. Moreover, it would lessen the burden on the Commonwealth of Pennsylvania to support Bedford County Jail operations.

16. Virtual net metering of the Bedford Solar Project would enable Bedford County to use the electrical output of the Bedford Solar Project—which will produce electricity in excess of the Bedford County Jail's needs—to offset the electricity used at nearby Bedford County-owned buildings, thereby providing additional financial benefits to all taxpayers in Bedford County.

C. Benefits of the Proposed Project to the Commonwealth

17. The Bedford Solar Project is consistent with Pennsylvania's environmental objectives and, more specifically, the encouragement of growth in renewable energy to address climate and sustainability objectives. The development of renewable energy projects has been and continues to be encouraged by financial incentives, legislative changes, and most recently, Pennsylvania Governor Tom Wolf's Executive Order to establish statewide goals to reduce carbon emissions.

18. Financial incentives from the private sector, state and federal grant programs, and a Federal Investment Tax Credit (“ITC”) directly support the development of solar generation. As detailed above, the Bedford Solar Project in particular is receiving nearly a third of its funding through a grant from the CFA Solar Energy Program—a grant which may be lost if the relief requested by this Complaint is not obtained. While many state and federal grant programs have ended over the past few years, the ITC is still in effect and used by many solar developers and customers. Bedford 58 Solar, LLC successfully captured the 30% ITC in 2019 under the safe harbor rules (the ITC is phasing down in years after 2019) by purchasing all of the solar modules needed for the Project, which are currently being stored on-site at the Bedford County Jail. The PPA under which the Bedford Solar Project is being financed enables Bedford County to achieve cost savings that are made possible by the application of the federal ITC to the Project. (As a unit of government, without the use of the third-party ownership and the PPA, Bedford County would be unable to receive any cost savings resulting from a Project that qualifies for use of the federal ITC. In a sense, the PPA thus allows the Commonwealth’s taxpayers to capture back some of the tax these taxpayers pay to the federal government.) Financial incentives make solar assets less costly and reduce the payback, or break-even period, thereby directly supporting customers’ ability to install solar assets at their homes and businesses.

19. Pennsylvania’s Alternative Energy Portfolio Standard (“AEPS”) encourages the development of solar generation within the Commonwealth. The AEPS was enacted in 2004 and became effective in February 2005; it has since been revised by Act 35 of 2007 (effective July 2007) and Act 129 of 2008 (effective November 2008). The AEPS establishes a goal of generating 0.5% of the Commonwealth’s electricity supply from solar generation by compliance year 2020-2021.

20. In October of 2017, Governor Wolf signed Act 4010 into law, which effectively closed Pennsylvania's borders to solar renewable energy credits ("SRECs") generated from solar facilities outside of the Commonwealth.¹ This action supports the development of solar facilities within the Commonwealth inasmuch as electric distribution companies and electric generation suppliers must now fulfill their solar obligations under the AEPS from the generation of solar energy within the Commonwealth. As a requirement of the CFA grant program, Bedford 58 Solar, LLC has agreed to sign over all of the SRECs that will be generated by the Bedford Jail Project for the benefit of taxpayers of the Commonwealth.

21. The Pennsylvania Department of Environmental Protection ("DEP") in November 2018 released its Pennsylvania's Solar Future Plan ("PSFP").² The PSFP adopts a goal of ten percent (10%) of generation in Pennsylvania from distributed solar projects by 2030, and identifies the expansion of virtual net metering opportunities as a key strategy to achieve that goal.³

22. On January 8, 2019, Governor Tom Wolf issued Executive Order No. 2019-01, "Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance," which establishes the goal of achieving a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.⁴ Under the Executive Order, all agencies under the Governor's jurisdiction are required to "[p]rocure renewable energy to offset

¹ Act 40 of 2017, H.B. 118, 2017 Pa. Laws 40.

² Pennsylvania Department of Environmental Protection, *Pennsylvania's Solar Future Plan*, November 2018, available at <http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1413595&DocName=PENNSYLVANIA%26%2339%3bS%20SOLAR%20FUTURE%20PLAN.PDF%20%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e>

³ *Id.* at iv.

⁴ Available at <https://www.governor.pa.gov/newsroom/executive-order-2019-01-commonwealth-leadership-in-addressing-climate-change-and-promoting-energy-conservation-and-sustainable-governance/>

at least 40 percent of the Commonwealth’s annual electricity use and evaluate opportunities to source electricity through Pennsylvania Certified Tier I credits, and/or direct purchase of renewable power generation sited within Pennsylvania.”

23. The Commission’s “Electric Power Outlook for Pennsylvania 2018-2023” states that “[o]ver 30 GW of new distributed solar photovoltaic is expected by the end of 2023.”⁵

D. Substantial Progress on Installation of the Bedford Solar Project

24. Following announcement of the \$900,698 grant from the Commonwealth Financing Authority’s Solar Energy Program in March 2018, Bedford County and RER began taking steps to commence installation of the Bedford Solar Project. RER submitted an Application for Interconnection to BREC in June 2018, which was accompanied by a check for \$7500. (*Biederman Affidavit*, ¶ 4) This was followed by extensive communications between Andrew Biederman of RER and Ryan T. Young, Manager of Engineering at BREC. (*Id.*)

25. The solar panels for the Bedford Solar Project were delivered to the site in the fall of 2018. On December 12, 2018, a groundbreaking ceremony was held at the site, attended by local leaders and Department of Community and Economic Development (DCED) Secretary Dennis Davin and Department of Environmental Protection (DEP) Executive Deputy Secretary Ramez Ziadeh. Secretary Davin stated at the time that “[t]he Wolf Administration is committed to cultivating a robust and diverse energy portfolio that takes full advantage of renewable technologies like solar. This project makes sense not just from an environmental perspective, but from an economic perspective as well. It’s great news for the Bedford area.” According to a statement issued by DEP Secretary Patrick McDonnell, “Pennsylvanians are increasingly interested in the benefits of getting electricity from solar energy at home, at work, at school, and

⁵ Available at http://www.puc.state.pa.us/General/publications_reports/pdf/EPO_2019.pdf, page 5.

throughout the community. While multi-purposing land around the correctional facility, creating jobs, and lowering electricity costs, the Bedford County solar array will remove over 1,600 metric tons of carbon dioxide from the air, helping to address the challenges of climate change. The project perfectly exemplifies how the diverse benefits of solar energy can improve quality of life for our communities.” Josh Lang, chairman of the Bedford County Board of Commissioners stated that “[t]he Bedford County solar project is a great example of coordination and collaboration working – one of the county’s overarching goals. This project is another successful implementation of forward-thinking innovative technology that will benefit taxpayers for years to come. I thank everyone who helped to make this project a reality.”

26. At the time of the groundbreaking, the Bedford Solar Project was expected to become operational in the spring of 2019. As discussed below, however, BREC is refusing to interconnect the Project as it is currently structured. Moreover, the unfavorable terms under which BREC would interconnect the Project make it economically infeasible. Without the relief requested in this Complaint, the Bedford Solar Project will not become a reality.

E. The Impact of BREC’s Terms of Utility Service on the Bedford Solar Project

27. Under BREC’s Net Metering Rate Rider for Member-owned Alternative Energy Production Systems (attached hereto as Appendix B) (“Net Metering Rider”), the size of any “alternative energy system” interconnected with BREC is limited to 200 kilowatts (kW), which is substantially smaller than the 1.8 MW installation of the Bedford Solar Project.

28. Unlike most electric distribution companies operating in Pennsylvania—which allow excess kilowatthours (kWhs) during any billing period to be carried over to successive periods, subject to an annual reconciliation—BREC’s Net Metering Rider prohibits such excess generation within a billing period to be carried over to succeeding billing periods. Rather, the

energy produced by any alternative energy system during any billing period is purchased by BREC at a rate much lower than the applicable net metering rates (its retail price of electricity).

29. And rather than using its own actual “avoided costs” as the price for such excess generation during a billing period—which is about seven cents per kWh—BREC uses the avoided costs of its energy supplier, Allegheny Electric Cooperative, which is about 2.5 cents per kWh (*Karsten Affidavit*, ¶ 11), a policy which actually penalizes BREC members for installing renewable energy systems—directly contrary to the state and federal programs and goals recited above.

30. Under Penelec’s Net Metering Rider (consistent with Commonwealth law), meter aggregation is permitted only if the other metered locations are located in the same service territory and also located within two miles of the alternative energy system. Bedford County sized the Bedford Solar Project to enable virtual net metering for other County-owned buildings, all of which, while located within two miles of the Bedford Solar Project, are located in the adjacent Penelec service territory.

31. As described in the Affidavit of Kurt D. Karsten, included as Appendix B, BREC is refusing to interconnect the Bedford Solar Project under the configuration proposed by Bedford County (i.e., with third-party ownership through a PPA and sized to accommodate virtual net metering of other County-owned buildings).

32. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC (and its electric supplier, Allegheny Electric Cooperative) buying only a small amount of the excess output of the Project each month at a rate of 2.5 cents per kWh (while getting as much as 80% of the amount of excess generation for free), far below BREC’s retail rate (currently about 10.1 cents per kWh) and its avoided costs (about 7

cents per kWh). (*Karsten Affidavit*, ¶ 12) BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project described above.

33. The cancellation of the Bedford Solar Project would result in the loss of: (a) the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, (b) the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, (c) the substantial cost saving benefits to Bedford County and its taxpayers, and (d) 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania's clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

F. The Proposed Solution

34. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

35. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec's net metering tariff sets a 2 MW cap on the size of distributed energy resources, and allows excess generation each month to be carried forward to successive months. Service by Penelec to the Bedford County Jail would also enable the County to actively manage multiple attributes of the Jail's electric consumption, by (a) allowing the Jail's electric generation to be managed by the County's energy consortium provider, PA Public Entity Energy

Consortium (PPEEC), (b) enabling the County to take advantage of the programs offered by Penelec pursuant to Act 129, including Phase III utility rebates and future program offerings, (c) giving the County the option of enrolling the Jail's electric account into one, or more, of the Demand Response programs administered by the PJM Interconnection, Inc. ("PJM"), the regional wholesale electric market serving Pennsylvania, and (d) enabling the County to manage its Peak Load Contribution (PLC) and Network Service Peak Load (NSPL) in a manner that would produce long-term benefits in lowering the related miscellaneous charges on its monthly electric invoices.

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Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

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WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC's retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

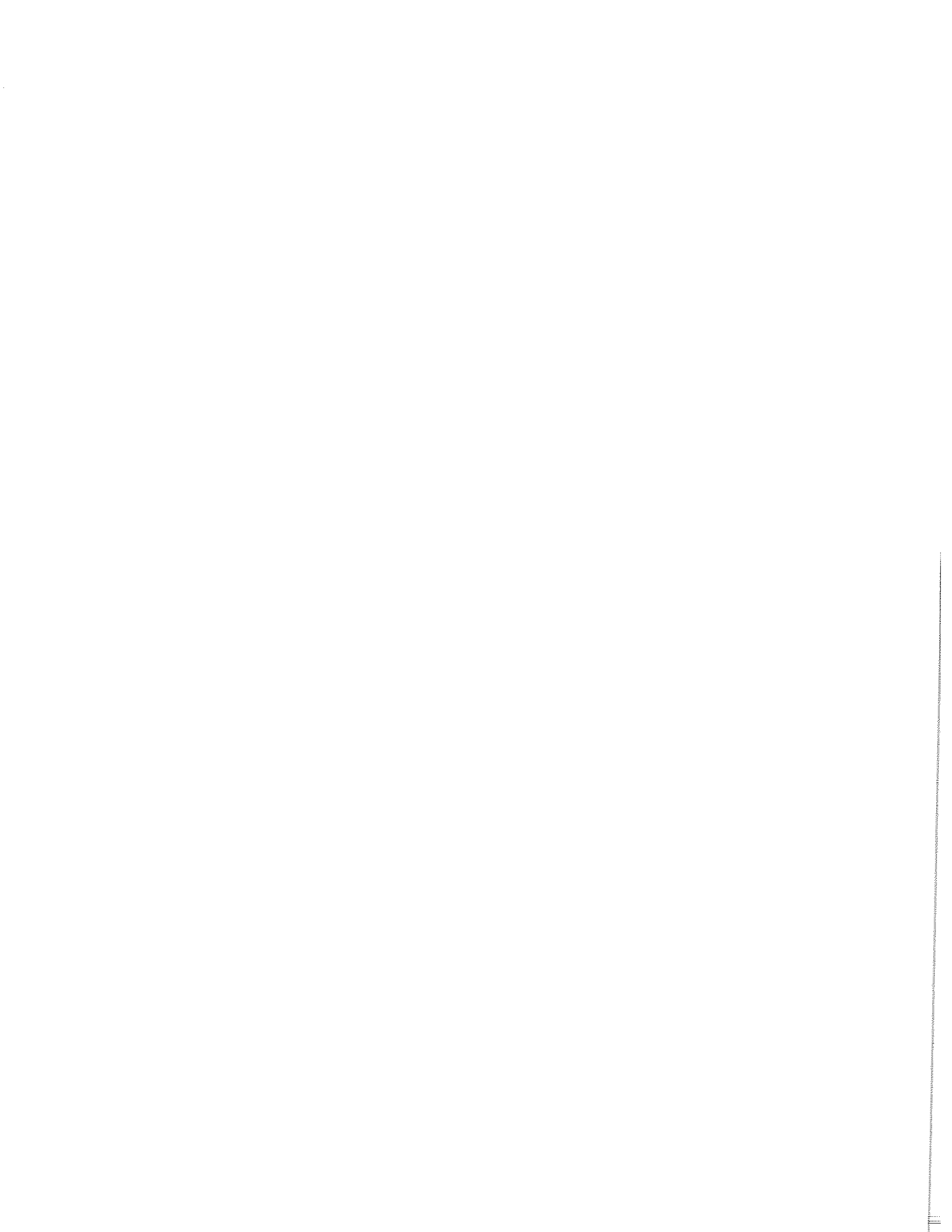
James M. Van Nostrand
Counsel for Bedford County

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: September __, 2020

APPENDICES

- A. Map of Service Territories
- B. Net Metering Rate Rider for Member-owned Alternative Energy Production Systems
- C. Affidavit of Kurt D. Karsten
- D. Affidavit of Andrew Biederman
- E. Affidavit of Barry Dallara



> On Aug 13, 2020, at 10:32 AM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

>
> All, I just finished a call with Kurt Karsten chief legal council for RER Energy. He advised that the PUC is now accepting new petitions for filing to hear our petition. He will be sending in the next few days an affidavit for signature that will be part of our petition. I am comfortable signing it on behalf of the county since I was the primary contact in the past. This is good news. Kurt assured me that RER Energy will use all recourse available to insure our solar project is completed.

>

> Sent from my iPhone

> --

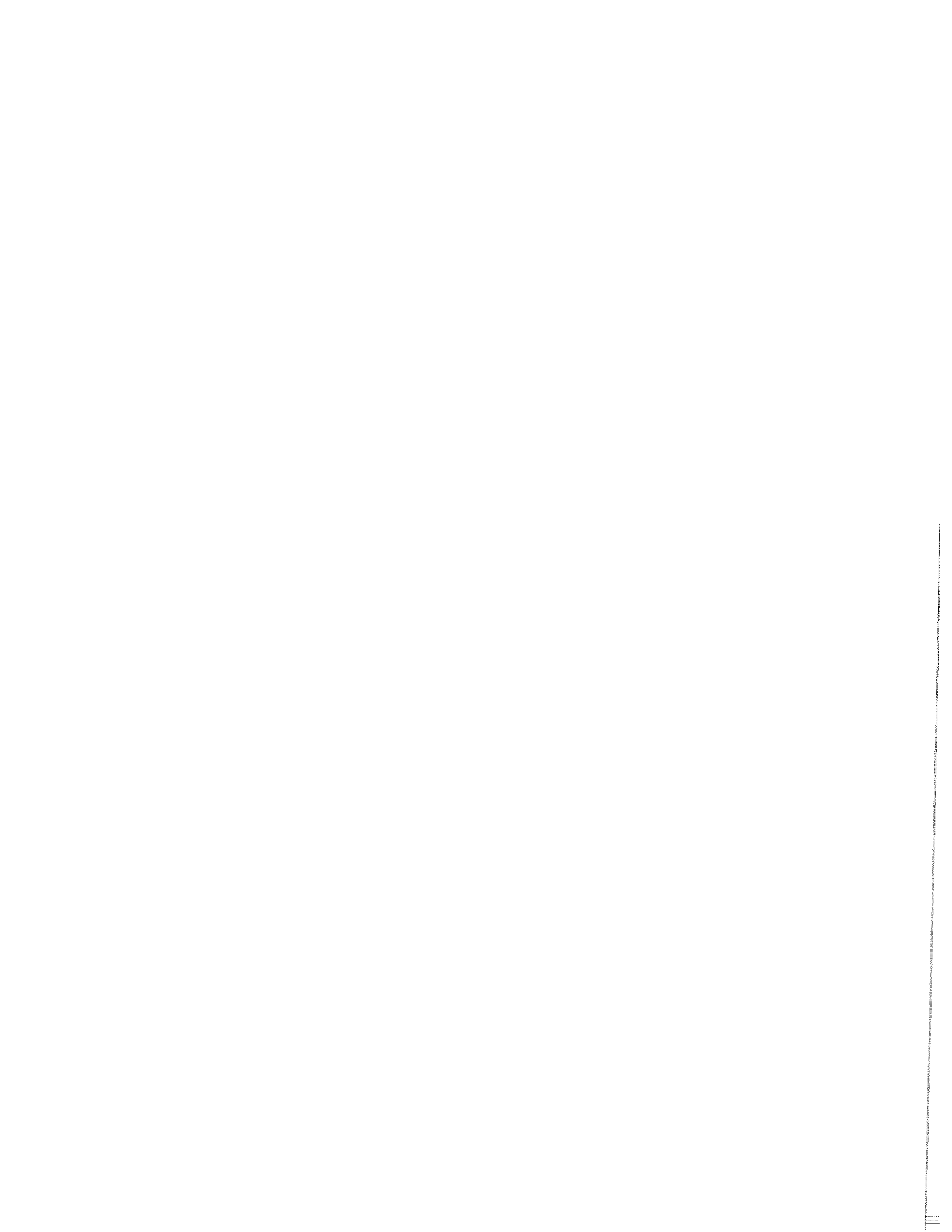
> ExchangeDefender Message Security: Click below to verify authenticity

>

> <https://verify.exchangedefender.com/verify.php?id=07DEWw7L015065&from=cdallara@bedfordcountypa.org>

>

>



Debra Brown

From: Commissioner Dallara
Sent: Tuesday, September 15, 2020 10:12 AM
To: Larry Myers
Subject: Fwd: Solar Project
Attachments: PUC Complaint 09.15.20.docx; ATT00001.htm

Larry, please review this and give me any comments you might have.

Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: September 15, 2020 at 8:53:02 AM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>, Troy Nelson <tnelson@bedfordcountypa.org>
Subject: Re: Solar Project

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This has taken a little longer than anticipated due to a variety of reasons in bringing together a number of people to get this final version, but I am attaching the Final Draft of the PUC Petition that we intend to file today, if possible. I wanted to give you a chance to review the final draft, and I also wanted to ask if the County Commission thought it made sense to have a public statement available to release in connection with the filing, since the filing will not be local, so it may not get picked up in the local news cycle, however, we would want to define the filing early in the process, rather than allow others the first shot in defining it in the news cycle.

Let me know your thoughts on any and all of the above, and give a green light on filing today if you think we are there..

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-_____
	:	
Bedford Rural Electric Cooperative,	:	
Respondent	:	

FORMAL COMPLAINT

Pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, Bedford County Board of Commissioners (“Bedford County”) submits this formal complaint against the Bedford Rural Electric Cooperative (“BREC”) alleging inadequate service by its existing retail electric supplier, entitling Bedford County to relief under Section 7355(c) of the Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c). In support of its Complaint, Bedford County states as follows:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission (“Commission”) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”) and, more specifically, to establish certified territory between retail electric suppliers where one supplier is an electric cooperative corporation and the other supplier is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service, pursuant to the Unincorporated Area Certified Territory Law of 1990 15 Pa.C.S. §§ 7351-7359 (the “Territory Law”).

2. Complainant is the Board of Commissioners of Bedford County, Pennsylvania, 200 South Juliana Street, Third Floor, Suite 301, Bedford, PA 15522. Bedford County is

organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs. The Board of Commissioners is the legislative and administrative body of county government in Bedford County.

3. Counsel for Complainant is as follows:

James M. Van Nostrand
Of Counsel
Keyes & Fox LLP
320 Ft. Duquesne Blvd, #15K
Pittsburgh, PA 15222-1126
jvannostrand@keyesfox.com

4. Respondent is Bedford Rural Electric Cooperative, Inc., a non-profit electric cooperative incorporated on June 2, 1939, with a principal place of business at 8846 Lincoln Hwy, Bedford, PA 15522. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. BREC serves over 9,000 members and maintains 9 substations and over 1,260 miles of line.

5. Penelec, a FirstEnergy company, is an electric distribution company with offices located at 2312-2334 Oakland Ave, Indiana, PA 15701. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility service as an electric distribution company to the public for compensation, including multiple locations owned by Bedford County.

6. Both Penelec and BREC are “retail electric supplier[s]” under § 7352 of the Territory Law, 15 Pa.C.S. § 7352. Penelec and BREC have a mutual boundary in an unincorporated area of Bedford County.

7. In addition to the several pieces of real property owned by Complainant that receive electric service from Penelec, Complainant owns one piece of real property (the

“Bedford County Jail”) that, by virtue of an abandoned railroad bed that is part of the Bedford County Jail property, transects the mutual boundary between BREC and Penelec (i.e., the property is partially within the Penelec service territory and partially within the BREC service territory). The Bedford County Jail has traditionally received electric service from BREC, and Bedford County is a member of BREC.

8. Under the Territory Law, the Commission has jurisdiction to establish the certified territory between retail electric suppliers, where one supplier is an electric cooperative (BREC) and the other potential supplier (Penelec) is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service. 15 Pa.C.S. § 7351

9. The Territory Law allows Bedford County to seek relief from inadequate service provided by BREC. Section 7355(c) provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

10. Bedford County seeks a ruling from the Commission that, based upon the facts and circumstances described herein, the retail electric service being furnished by BREC to the Bedford County Jail is inadequate and is not likely to be made adequate. Complainant respectfully requests that the Commission authorize Penelec to be the retail electric supplier to the Bedford County Jail property for the reasons stated below.

II. Background

A. The Proposed Project

11. With the help of a \$900,698.00 grant awarded to Bedford County by the Pennsylvania Commonwealth Financing Authority’s Solar Energy Program, Bedford County is

developing a 1.3 megawatt (“MW”) aggregated virtual net metering solar array (the “Bedford Solar Project”) which will be situated on approximately 6 acres of land on the site of the Bedford County Jail. In addition to providing electricity to the Bedford County Jail, the Bedford Solar Project is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and, in fact, has the potential to provide several benefits to the Jail. Bedford County owns the parcel on which the array will be built and has signed a land lease authorizing the development on site.

12. The overall budget for the Bedford Solar Project is \$3,327,070. As stated, the grant of \$900,698 provided by the CFA Solar Energy Program toward the cost of the Bedford Solar Project represents about 27% of the overall project budget. The remaining funding will be provided by the third party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners.

13. Pursuant to a Power Purchase Agreement (“PPA”) for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will supply 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project), and will also produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County.

14. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County’s cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric

service provided by both of the County's retail electric suppliers (Penelec and BREC). The Bedford Solar Project is expected to produce savings of \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

B. Benefits of the Proposed Project to Bedford County

15. As stated, the taxpayers of Bedford County would receive substantial benefits from the financial savings created from the Bedford Solar Project. The Bedford County Jail is currently the single largest line item expenditure in the annual Bedford County budget. By significantly reducing the operation and maintenance costs of the Bedford County Jail facility—without requiring increases in taxation on the citizens of Bedford County—the Bedford Solar Project would provide a direct financial benefit to all taxpayers in Bedford County. Moreover, it would lessen the burden on the Commonwealth of Pennsylvania to support Bedford County Jail operations.

16. Virtual net metering of the Bedford Solar Project would enable Bedford County to use the electrical output of the Bedford Solar Project—which will produce electricity in excess of the Bedford County Jail's needs—to offset the electricity used at nearby Bedford County-owned buildings, thereby providing additional financial benefits to all taxpayers in Bedford County.

C. Benefits of the Proposed Project to the Commonwealth

17. The Bedford Solar Project is consistent with Pennsylvania's environmental objectives and, more specifically, the encouragement of growth in renewable energy to address climate and sustainability objectives. The development of renewable energy projects has been and continues to be encouraged by financial incentives, legislative changes, and most recently, Pennsylvania Governor Tom Wolf's Executive Order to establish statewide goals to reduce carbon emissions.

18. Financial incentives from the private sector, state and federal grant programs, and a Federal Investment Tax Credit (“ITC”) directly support the development of solar generation. As detailed above, the Bedford Solar Project in particular is receiving nearly a third of its funding through a grant from the CFA Solar Energy Program—a grant which may be lost if the relief requested by this Complaint is not obtained. While many state and federal grant programs have ended over the past few years, the ITC is still in effect and used by many solar developers and customers. Bedford 58 Solar, LLC successfully captured the 30% ITC in 2019 under the safe harbor rules (the ITC is phasing down in years after 2019) by purchasing all of the solar modules needed for the Project, which are currently being stored on-site at the Bedford County Jail. The PPA under which the Bedford Solar Project is being financed enables Bedford County to achieve cost savings that are made possible by the application of the federal ITC to the Project. (As a unit of government, without the use of the third-party ownership and the PPA, Bedford County would be unable to receive any cost savings resulting from a Project that qualifies for use of the federal ITC. In a sense, the PPA thus allows the Commonwealth’s taxpayers to capture back some of the tax these taxpayers pay to the federal government.) Financial incentives make solar assets less costly and reduce the payback, or break-even period, thereby directly supporting customers’ ability to install solar assets at their homes and businesses.

19. Pennsylvania’s Alternative Energy Portfolio Standard (“AEPS”) encourages the development of solar generation within the Commonwealth. The AEPS was enacted in 2004 and became effective in February 2005; it has since been revised by Act 35 of 2007 (effective July 2007) and Act 129 of 2008 (effective November 2008). The AEPS establishes a goal of generating 0.5% of the Commonwealth’s electricity supply from solar generation by compliance year 2020-2021.

20. In October of 2017, Governor Wolf signed Act 4010 into law, which effectively closed Pennsylvania's borders to solar renewable energy credits ("SRECs") generated from solar facilities outside of the Commonwealth.¹ This action supports the development of solar facilities within the Commonwealth inasmuch as electric distribution companies and electric generation suppliers must now fulfill their solar obligations under the AEPS from the generation of solar energy within the Commonwealth. As a requirement of the CFA grant program, Bedford 58 Solar, LLC has agreed to sign over all of the SRECs that will be generated by the Bedford Jail Project for the benefit of taxpayers of the Commonwealth.

21. The Pennsylvania Department of Environmental Protection ("DEP") in November 2018 released its Pennsylvania's Solar Future Plan ("PSFP").² The PSFP adopts a goal of ten percent (10%) of generation in Pennsylvania from distributed solar projects by 2030, and identifies the expansion of virtual net metering opportunities as a key strategy to achieve that goal.³

22. On January 8, 2019, Governor Tom Wolf issued Executive Order No. 2019-01, "Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance," which establishes the goal of achieving a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.⁴ Under the Executive Order, all agencies under the Governor's jurisdiction are required to "[p]rocure renewable energy to offset

¹ Act 40 of 2017, H.B. 118, 2017 Pa. Laws 40.

² Pennsylvania Department of Environmental Protection, *Pennsylvania's Solar Future Plan*, November 2018, available at <http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1413595&DocName=PENNSYLVANIA%26%2339%3bS%20SOLAR%20FUTURE%20PLAN.PDF%20%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e>

³ *Id.* at iv.

⁴ Available at <https://www.governor.pa.gov/newsroom/executive-order-2019-01-commonwealth-leadership-in-addressing-climate-change-and-promoting-energy-conservation-and-sustainable-governance/>

at least 40 percent of the Commonwealth’s annual electricity use and evaluate opportunities to source electricity through Pennsylvania Certified Tier I credits, and/or direct purchase of renewable power generation sited within Pennsylvania.”

23. The Commission’s “Electric Power Outlook for Pennsylvania 2018-2023” states that “[o]ver 30 GW of new distributed solar photovoltaic is expected by the end of 2023.”⁵

D. Substantial Progress on Installation of the Bedford Solar Project

24. Following announcement of the \$900,698 grant from the Commonwealth Financing Authority’s Solar Energy Program in March 2018, Bedford County and RER began taking steps to commence installation of the Bedford Solar Project. RER submitted an Application for Interconnection to BREC in June 2018, which was accompanied by a check for \$7500. (*Biederman Affidavit*, ¶ 4) This was followed by extensive communications between Andrew Biederman of RER and Ryan T. Young, Manager of Engineering at BREC. (*Id.*)

25. The solar panels for the Bedford Solar Project were delivered to the site in the fall of 2018. On December 12, 2018, a groundbreaking ceremony was held at the site, attended by local leaders and Department of Community and Economic Development (DCED) Secretary Dennis Davin and Department of Environmental Protection (DEP) Executive Deputy Secretary Ramez Ziadeh. Secretary Davin stated at the time that “[t]he Wolf Administration is committed to cultivating a robust and diverse energy portfolio that takes full advantage of renewable technologies like solar. This project makes sense not just from an environmental perspective, but from an economic perspective as well. It’s great news for the Bedford area.” According to a statement issued by DEP Secretary Patrick McDonnell, “Pennsylvanians are increasingly interested in the benefits of getting electricity from solar energy at home, at work, at school, and

⁵ Available at http://www.puc.state.pa.us/General/publications_reports/pdf/EPO_2019.pdf, page 5.

throughout the community. While multi-purposing land around the correctional facility, creating jobs, and lowering electricity costs, the Bedford County solar array will remove over 1,600 metric tons of carbon dioxide from the air, helping to address the challenges of climate change. The project perfectly exemplifies how the diverse benefits of solar energy can improve quality of life for our communities.” Josh Lang, chairman of the Bedford County Board of Commissioners stated that “[t]he Bedford County solar project is a great example of coordination and collaboration working – one of the county’s overarching goals. This project is another successful implementation of forward-thinking innovative technology that will benefit taxpayers for years to come. I thank everyone who helped to make this project a reality.”

26. At the time of the groundbreaking, the Bedford Solar Project was expected to become operational in the spring of 2019. As discussed below, however, BREC is refusing to interconnect the Project as it is currently structured. Moreover, the unfavorable terms under which BREC would interconnect the Project make it economically infeasible. Without the relief requested in this Complaint, the Bedford Solar Project will not become a reality.

E. The Impact of BREC’s Terms of Utility Service on the Bedford Solar Project

27. Under BREC’s Net Metering Rate Rider for Member-owned Alternative Energy Production Systems (attached hereto as Appendix B) (“Net Metering Rider”), the size of any “alternative energy system” interconnected with BREC is limited to 200 kilowatts (kW), which is substantially smaller than the 1.8 MW installation of the Bedford Solar Project.

28. Unlike most electric distribution companies operating in Pennsylvania—which allow excess kilowatthours (kWhs) during any billing period to be carried over to successive periods, subject to an annual reconciliation—BREC’s Net Metering Rider prohibits such excess generation within a billing period to be carried over to succeeding billing periods. Rather, the

energy produced by any alternative energy system during any billing period is purchased by BREC at a rate much lower than the applicable net metering rates (its retail price of electricity).

29. And rather than using its own actual “avoided costs” as the price for such excess generation during a billing period—which is about seven cents per kWh—BREC uses the avoided costs of its energy supplier, Allegheny Electric Cooperative, which is about 2.5 cents per kWh (*Karsten Affidavit*, ¶ 11), a policy which actually penalizes BREC members for installing renewable energy systems—directly contrary to the state and federal programs and goals recited above.

30. Under Penelec’s Net Metering Rider (consistent with Commonwealth law), meter aggregation is permitted only if the other metered locations are located in the same service territory and also located within two miles of the alternative energy system. Bedford County sized the Bedford Solar Project to enable virtual net metering for other County-owned buildings, all of which, while located within two miles of the Bedford Solar Project, are located in the adjacent Penelec service territory.

31. As described in the Affidavit of Kurt D. Karsten, included as Appendix B, BREC is refusing to interconnect the Bedford Solar Project under the configuration proposed by Bedford County (i.e., with third-party ownership through a PPA and sized to accommodate virtual net metering of other County-owned buildings).

32. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC (and its electric supplier, Allegheny Electric Cooperative) buying only a small amount of the excess output of the Project each month at a rate of 2.5 cents per kWh (while getting as much as 80% of the amount of excess generation for free), far below BREC’s retail rate (currently about 10.1 cents per kWh) and its avoided costs (about 7

cents per kWh). (*Karsten Affidavit*, ¶ 12) BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project described above.

33. The cancellation of the Bedford Solar Project would result in the loss of: (a) the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, (b) the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, (c) the substantial cost saving benefits to Bedford County and its taxpayers, and (d) 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania's clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

F. The Proposed Solution

34. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

35. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec's net metering tariff sets a 2 MW cap on the size of distributed energy resources, and allows excess generation each month to be carried forward to successive months. Service by Penelec to the Bedford County Jail would also enable the County to actively manage multiple attributes of the Jail's electric consumption, by (a) allowing the Jail's electric generation to be managed by the County's energy consortium provider, PA Public Entity Energy

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WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC's retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

James M. Van Nostrand
Counsel for Bedford County

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: September __, 2020

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- D. Affidavit of Andrew Biederman
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Debra Brown

From: Larry Myers <Larry.Myers@se.com>
Sent: Wednesday, September 16, 2020 9:35 PM
To: Commissioner Dallara
Subject: RE: Solar Project

Barry:

This actually looks pretty good. I do believe that it includes the points that I had raised earlier and seems to lay out a true picture of the issues.

Larry

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services
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Harrisburg, PA 17110
United States



From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Tuesday, September 15, 2020 10:12 AM
To: Larry Myers <Larry.Myers@se.com>
Subject: Fwd: Solar Project

[External email: Use caution with links and attachments]

Larry, please review this and give me any comments you might have.

Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: September 15, 2020 at 8:53:02 AM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>

Cc: Commissioner Lang <jlange@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>, Troy Nelson <Tnelson@bedfordcountypa.org>

Subject: Re: Solar Project

Commissioner Dallara,

This has taken a little longer than anticipated due to a variety of reasons in bringing together a number of people to get this final version, but I am attaching the Final Draft of the PUC Petition that we intend to file today, if possible. I wanted to give you a chance to review the final draft, and I also wanted to ask if the County Commission thought it made sense to have a public statement available to release in connection with the filing, since the filing will not be local, so it may not get picked up in the local news cycle, however, we would want to define the filing early in the process, rather than allow others the first shot in defining it in the news cycle.

Let me know your thoughts on any and all of the above, and give a green light on filing today if you think we are there..

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

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Debra Brown

From: Commissioner Dallara
Sent: Wednesday, September 16, 2020 9:44 PM
To: Larry Myers
Subject: Re: Solar Project

Thank you Larry I really appreciate your help.

Sent from my iPhone

On Sep 16, 2020, at 9:35 PM, Larry Myers <Larry.Myers@se.com> wrote:

Barry:

This actually looks pretty good. I do believe that it includes the points that I had raised earlier and seems to lay out a true picture of the issues.

Larry

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services
larry.myers@se.com

D +1 814.937.7602
Fx +1 814.569.1978 (Bedford)
W www.se.com/us/enable

4431 N. Front Street, Suite 100
Harrisburg, PA 17110
United States

<image001.jpg>

<image002.gif>

<image003.gif>

<image004.gif>

<image005.gif>

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Tuesday, September 15, 2020 10:12 AM
To: Larry Myers <Larry.Myers@se.com>
Subject: Fwd: Solar Project

[External email: Use caution with links and attachments]

Larry, please review this and give me any comments you might have.

Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: September 15, 2020 at 8:53:02 AM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Cc: Commissioner Lang <ilang@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>, Troy Nelson <Tnelson@bedfordcountypa.org>
Subject: Re: Solar Project

Commissioner Dallara,

This has taken a little longer than anticipated due to a variety of reasons in bringing together a number of people to get this final version, but I am attaching the Final Draft of the PUC Petition that we intend to file today, if possible. I wanted to give you a chance to review the final draft, and I also wanted to ask if the County Commission thought it made sense to have a public statement available to release in connection with the filing, since the filing will not be local, so it may not get picked up in the local news cycle, however, we would want to define the filing early in the process, rather than allow others the first shot in defining it in the news cycle.

Let me know your thoughts on any and all of the above, and give a green light on filing today if you think we are there..

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

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Debra Brown

From: Commissioner Dallara
Sent: Wednesday, September 16, 2020 10:53 PM
To: Kurt Karsten
Subject: Re: Solar Project

Kurt, it looks good and appears to cover all the bases.

Sent from my iPhone

> On Sep 15, 2020, at 8:53 AM, Kurt Karsten <karstenlaw@gmail.com> wrote:

>

> Commissioner Dallara,

>

> This has taken a little longer than anticipated due to a variety of reasons in bringing together a number of people to get this final version, but I am attaching the Final Draft of the PUC Petition that we intend to file today, if possible. I wanted to give you a chance to review the final draft, and I also wanted to ask if the County Commission thought it made sense to have a public statement available to release in connection with the filing, since the filing will not be local, so it may not get picked up in the local news cycle, however, we would want to define the filing early in the process, rather than allow others the first shot in defining it in the news cycle.

>

> Let me know your thoughts on any and all of the above, and give a green light on filing today if you think we are there..

>

> Thanks,

>

> Kurt

>

> Kurt D. Karsten, Esq.

> 621 Ridgely Ave.

> Suite 402

> Annapolis, MD 21401

> 410-991-3184

> KarstenLaw@gmail.com

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> <PUC Complaint 09.15.20.docx>

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>> On Aug 13, 2020, at 10:32 AM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

>>

>> All, I just finished a call with Kurt Karsten chief legal council for RER Energy. He advised that the PUC is now accepting new petitions for filing to hear our petition. He will be sending in the next few days an affidavit for signature that will be part of our petition. I am comfortable signing it on behalf of the county since I was the primary contact in the past. This is good news. Kurt assured me that RER Energy will use all recourse available to insure our solar project is completed.

>>

>> Sent from my iPhone

>> --

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>> <https://verify.exchangedefender.com/verify.php?id=07DEWw7L015065&from>

>> =cdallara@bedfordcountypa.org

>>

>>

>

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Friday, September 18, 2020 11:35 AM
To: Commissioner Dallara
Cc: Commissioner Lang; Commissioner Baughman; Troy Nelson; Jim Kurtz
Subject: Fwd: PUC Filing
Attachments: PUC Filing.pdf; ATT00001.htm

Commissioner Dallara,

I just wanted to pass along to you that the attached Petition was filed today and it will be served on Brooks Shoemaker later today on behalf of BREC. Thank you for your help and support in getting this important issue in front of the Commission. I will keep you updated as this docket progresses.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

Begin forwarded message:

From: Jamie Van Nostrand <[jvannostrand@keyesfox.com](mailto:JVannostrand@keyesfox.com)>
Subject: PUC Filing
Date: September 18, 2020 at 11:30:25 AM EDT
To: Kurt Karsten <karstenlaw@gmail.com>
Cc: "Valerie Nowotnick, ACP" <valerie@paralegalconsult.com>, Jim Kurtz <jkurtz@rerenergygroup.com>

Kurt--

Attached is an electronic copy of the Formal Complaint that will be filed with the PA PUC today. Copies will be sent to Brooks Shoemaker as well as each of the three Bedford County Commissioners.

Please let me know if you have any questions. Now that we have this filed, it will be interesting to see how BREC responds.

Best,
Jamie

James M. Van Nostrand
Keyes & Fox LLP
Pittsburgh, PA 15228
(304) 777-6050
jvannostrand@keyesfox.com



September 18, 2020

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: Formal Complaint of Bedford County Board of Commissioners against
 Bedford Rural Electric Cooperative
 Docket No. C-2020-_____**

Secretary Chiavetta:

Enclosed please find the Formal Complaint of Bedford County Board of Commissioners against the Bedford Rural Electric Cooperative.

Please contact me if you have any questions concerning this matter.

Sincerely,

/s/ James M. Van Nostrand

James M. Van Nostrand
Keyes & Fox LLP
320 Ft. Duquesne Blvd, #15K
Pittsburgh, PA 15222-1126
(304) 777-6050
jvannostrand@keyesfox.com

Counsel to Bedford County Board of Commissioners

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-_____
	:	
Bedford Rural Electric Cooperative,	:	
Respondent	:	

FORMAL COMPLAINT

Pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, Bedford County Board of Commissioners (“Bedford County”) submits this formal complaint against the Bedford Rural Electric Cooperative (“BREC”) alleging inadequate service by its existing retail electric supplier, entitling Bedford County to relief under Section 7355(c) of the Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c). In support of its Complaint, Bedford County states as follows:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission (“Commission”) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”) and, more specifically, to establish certified territory between retail electric suppliers where one supplier is an electric cooperative corporation and the other supplier is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service, pursuant to the Unincorporated Area Certified Territory Law of 1990 15 Pa.C.S. §§ 7351-7359 (the “Territory Law”).

2. Complainant is the Board of Commissioners of Bedford County, Pennsylvania, 200 South Juliana Street, Third Floor, Suite 301, Bedford, PA 15522. Bedford County is

organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs. The Board of Commissioners is the legislative and administrative body of county government in Bedford County.

3. Counsel for Complainant is as follows:

James M. Van Nostrand
Of Counsel
Keyes & Fox LLP
320 Ft. Duquesne Blvd, #15K
Pittsburgh, PA 15222-1126
jvannostrand@keyesfox.com

4. Respondent is Bedford Rural Electric Cooperative, Inc., a non-profit electric cooperative incorporated on June 2, 1939, with a principal place of business at 8846 Lincoln Hwy, Bedford, PA 15522. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. BREC serves over 9,000 members and maintains 9 substations and over 1,260 miles of line.

5. Penelec, a FirstEnergy company, is an electric distribution company with offices located at 2312-2334 Oakland Ave, Indiana, PA 15701. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility service as an electric distribution company to the public for compensation, including multiple locations owned by Bedford County.

6. Both Penelec and BREC are “retail electric supplier[s]” under § 7352 of the Territory Law, 15 Pa.C.S. § 7352. Penelec and BREC have a mutual boundary in an unincorporated area of Bedford County.

7. In addition to the several pieces of real property owned by Complainant that receive electric service from Penelec, Complainant owns one piece of real property (the

“Bedford County Jail”) that, by virtue of an abandoned railroad bed that is part of the Bedford County Jail property, transects the mutual boundary between BREC and Penelec (i.e., the property is partially within the Penelec service territory and partially within the BREC service territory). The Bedford County Jail has traditionally received electric service from BREC, and Bedford County is a member of BREC.

8. Under the Territory Law, the Commission has jurisdiction to establish the certified territory between retail electric suppliers, where one supplier is an electric cooperative (BREC) and the other potential supplier (Penelec) is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service. 15 Pa.C.S. § 7351

9. The Territory Law allows Bedford County to seek relief from inadequate service provided by BREC. Section 7355(c) provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

10. Bedford County seeks a ruling from the Commission that, based upon the facts and circumstances described herein, the retail electric service being furnished by BREC to the Bedford County Jail is inadequate and is not likely to be made adequate. Complainant respectfully requests that the Commission authorize Penelec to be the retail electric supplier to the Bedford County Jail property for the reasons stated below.

II. Background

A. The Proposed Project

11. With the help of a \$900,698.00 grant awarded to Bedford County by the Pennsylvania Commonwealth Financing Authority’s Solar Energy Program, Bedford County is

developing a 1.3 megawatt (“MW”) aggregated virtual net metering solar array (the “Bedford Solar Project”) which will be situated on approximately 6 acres of land on the site of the Bedford County Jail. In addition to providing electricity to the Bedford County Jail, the Bedford Solar Project is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and, in fact, has the potential to provide several benefits to the Jail. Bedford County owns the parcel on which the array will be built and has signed a land lease authorizing the development on site.

12. The overall budget for the Bedford Solar Project is \$3,327,070. As stated, the grant of \$900,698 provided by the CFA Solar Energy Program toward the cost of the Bedford Solar Project represents about 27% of the overall project budget. The remaining funding will be provided by the third party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners.

13. Pursuant to a Power Purchase Agreement (“PPA”) for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will supply 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project), and will also produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County.

14. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County’s cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric service

provided by both of the County's retail electric suppliers (Penelec and BREC). The Bedford Solar Project is expected to produce savings of \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

B. Benefits of the Proposed Project to Bedford County

15. As stated, the taxpayers of Bedford County would receive substantial benefits from the financial savings created from the Bedford Solar Project. The Bedford County Jail is currently the single largest line item expenditure in the annual Bedford County budget. By significantly reducing the operation and maintenance costs of the Bedford County Jail facility—without requiring increases in taxation on the citizens of Bedford County—the Bedford Solar Project would provide a direct financial benefit to all taxpayers in Bedford County. Moreover, it would lessen the burden on the Commonwealth of Pennsylvania to support Bedford County Jail operations.

16. Virtual net metering of the Bedford Solar Project would enable Bedford County to use the electrical output of the Bedford Solar Project—which will produce electricity in excess of the Bedford County Jail's needs—to offset the electricity used at nearby Bedford County-owned buildings, thereby providing additional financial benefits to all taxpayers in Bedford County.

C. Benefits of the Proposed Project to the Commonwealth

17. The Bedford Solar Project is consistent with Pennsylvania's environmental objectives and, more specifically, the encouragement of growth in renewable energy to address climate and sustainability objectives. The development of renewable energy projects has been and continues to be encouraged by financial incentives, legislative changes, and most recently, Pennsylvania Governor Tom Wolf's Executive Order to establish statewide goals to reduce carbon emissions.

18. Financial incentives from the private sector, state and federal grant programs, and a Federal Investment Tax Credit (“ITC”) directly support the development of solar generation. As detailed above, the Bedford Solar Project in particular is receiving nearly a third of its funding through a grant from the CFA Solar Energy Program—a grant which may be lost if the relief requested by this Complaint is not obtained. While many state and federal grant programs have ended over the past few years, the ITC is still in effect and used by many solar developers and customers. Bedford 58 Solar, LLC successfully captured the 30% ITC in 2019 under the safe harbor rules (the ITC is phasing down in years after 2019) by purchasing all of the solar modules needed for the Project, which are currently being stored on-site at the Bedford County Jail. The PPA under which the Bedford Solar Project is being financed enables Bedford County to achieve cost savings that are made possible by the application of the federal ITC to the Project. (As a unit of government, without the use of the third-party ownership and the PPA, Bedford County would be unable to receive any cost savings resulting from a Project that qualifies for use of the federal ITC. In a sense, the PPA thus allows the Commonwealth’s taxpayers to capture back some of the tax these taxpayers pay to the federal government.) Financial incentives make solar assets less costly and reduce the payback, or break-even period, thereby directly supporting customers’ ability to install solar assets at their homes and businesses.

19. Pennsylvania’s Alternative Energy Portfolio Standard (“AEPS”) encourages the development of solar generation within the Commonwealth. The AEPS was enacted in 2004 and became effective in February 2005; it has since been revised by Act 35 of 2007 (effective July 2007) and Act 129 of 2008 (effective November 2008). The AEPS establishes a goal of generating 0.5% of the Commonwealth’s electricity supply from solar generation by compliance year 2020-2021.

20. In October of 2017, Governor Wolf signed Act 4010 into law, which effectively closed Pennsylvania’s borders to solar renewable energy credits (“SRECs”) generated from solar facilities outside of the Commonwealth.¹ This action supports the development of solar facilities within the Commonwealth inasmuch as electric distribution companies and electric generation suppliers must now fulfill their solar obligations under the AEPS from the generation of solar energy within the Commonwealth. As a requirement of the CFA grant program, Bedford 58 Solar, LLC has agreed to sign over all of the SRECs that will be generated by the Bedford Jail Project for the benefit of taxpayers of the Commonwealth.

21. The Pennsylvania Department of Environmental Protection (“DEP”) in November 2018 released its Pennsylvania’s Solar Future Plan (“PSFP”).² The PSFP adopts a goal of ten percent (10%) of generation in Pennsylvania from distributed solar projects by 2030, and identifies the expansion of virtual net metering opportunities as a key strategy to achieve that goal.³

22. On January 8, 2019, Governor Tom Wolf issued Executive Order No. 2019-01, “Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance,” which establishes the goal of achieving a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.⁴ Under the Executive Order, all agencies under the Governor’s jurisdiction are required to “[p]rocure renewable energy to offset

¹ Act 40 of 2017, H.B. 118, 2017 Pa. Laws 40.

² Pennsylvania Department of Environmental Protection, *Pennsylvania’s Solar Future Plan*, November 2018, available at <http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1413595&DocName=PENNSYLVANIA%26%2339%3bS%20SOLAR%20FUTURE%20PLAN.PDF%20%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e>

³ *Id.* at iv.

⁴ Available at <https://www.governor.pa.gov/newsroom/executive-order-2019-01-commonwealth-leadership-in-addressing-climate-change-and-promoting-energy-conservation-and-sustainable-governance/>

at least 40 percent of the Commonwealth's annual electricity use and evaluate opportunities to source electricity through Pennsylvania Certified Tier I credits, and/or direct purchase of renewable power generation sited within Pennsylvania.”

23. The Commission's "Electric Power Outlook for Pennsylvania 2018-2023" states that "[o]ver 30 GW of new distributed solar photovoltaic is expected by the end of 2023."⁵

D. Substantial Progress on Installation of the Bedford Solar Project

24. Following announcement of the \$900,698 grant from the Commonwealth Financing Authority's Solar Energy Program in March 2018, Bedford County and RER began taking steps to commence installation of the Bedford Solar Project. RER submitted an Application for Interconnection to BREC in June 2018, which was accompanied by a check for \$7500. (*Biederman Affidavit*, ¶ 4) This was followed by extensive communications between Andrew Biederman of RER and Ryan T. Young, Manager of Engineering at BREC. (*Id.*)

25. The solar panels for the Bedford Solar Project were delivered to the site in the fall of 2018. On December 12, 2018, a groundbreaking ceremony was held at the site, attended by local leaders and Department of Community and Economic Development (DCED) Secretary Dennis Davin and Department of Environmental Protection (DEP) Executive Deputy Secretary Ramez Ziadeh. Secretary Davin stated at the time that "[t]he Wolf Administration is committed to cultivating a robust and diverse energy portfolio that takes full advantage of renewable technologies like solar. This project makes sense not just from an environmental perspective, but from an economic perspective as well. It's great news for the Bedford area." According to a statement issued by DEP Secretary Patrick McDonnell, "Pennsylvanians are increasingly interested in the benefits of getting electricity from solar energy at home, at work, at school, and

⁵ Available at http://www.puc.state.pa.us/General/publications_reports/pdf/EPO_2019.pdf, page 5.

throughout the community. While multi-purposing land around the correctional facility, creating jobs, and lowering electricity costs, the Bedford County solar array will remove over 1,600 metric tons of carbon dioxide from the air, helping to address the challenges of climate change. The project perfectly exemplifies how the diverse benefits of solar energy can improve quality of life for our communities.” Josh Lang, chairman of the Bedford County Board of Commissioners stated that “[t]he Bedford County solar project is a great example of coordination and collaboration working – one of the county’s overarching goals. This project is another successful implementation of forward-thinking innovative technology that will benefit taxpayers for years to come. I thank everyone who helped to make this project a reality.”

26. At the time of the groundbreaking, the Bedford Solar Project was expected to become operational in the spring of 2019. As discussed below, however, BREC is refusing to interconnect the Project as it is currently structured. Moreover, the unfavorable terms under which BREC would interconnect the Project make it economically infeasible. Without the relief requested in this Complaint, the Bedford Solar Project will not become a reality.

E. The Impact of BREC’s Terms of Utility Service on the Bedford Solar Project

27. Under BREC’s Net Metering Rate Rider for Member-owned Alternative Energy Production Systems (attached hereto as Appendix A) (“Net Metering Rider”), the size of any “alternative energy system” interconnected with BREC is limited to 100 kilowatts (kW), which is substantially smaller than the 1.8 MW installation of the Bedford Solar Project.

28. Unlike most electric distribution companies operating in Pennsylvania—which allow excess kilowatthours (kWhs) during any billing period to be carried over to successive periods, subject to an annual reconciliation—BREC’s Net Metering Rider prohibits such excess generation within a billing period to be carried over to succeeding billing periods. Rather, the

energy produced by any alternative energy system during any billing period is purchased by BREC at a rate much lower than the applicable net metering rates (its retail price of electricity).

29. And rather than using its own actual “avoided costs” as the price for such excess generation during a billing period—which is about seven cents per kWh—BREC uses the avoided costs of its energy supplier, Allegheny Electric Cooperative, which is about 2.5 cents per kWh (*Karsten Affidavit*, ¶ 11), a policy which actually penalizes BREC members for installing renewable energy systems—directly contrary to the state and federal programs and goals recited above.

30. Under Penelec’s Net Metering Rider (consistent with Commonwealth law), meter aggregation is permitted only if the other metered locations are located in the same service territory and also located within two miles of the alternative energy system. Bedford County sized the Bedford Solar Project to enable virtual net metering for other County-owned buildings, all of which, while located within two miles of the Bedford Solar Project, are located in the adjacent Penelec service territory.

31. As described in the Affidavit of Kurt D. Karsten, included as Appendix B, BREC is refusing to interconnect the Bedford Solar Project under the configuration proposed by Bedford County (i.e., with third-party ownership through a PPA and sized to accommodate virtual net metering of other County-owned buildings).

32. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC (and its electric supplier, Allegheny Electric Cooperative) buying only a small amount of the excess output of the Project each month at a rate of 2.5 cents per kWh (while getting as much as 80% of the amount of excess generation for free), far below BREC’s retail rate (currently about 10.1 cents per kWh) and its avoided costs (about 7

cents per kWh). (*Karsten Affidavit*, ¶ 12) BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project described above.

33. The cancellation of the Bedford Solar Project would result in the loss of: (a) the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, (b) the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, (c) the substantial cost saving benefits to Bedford County and its taxpayers, and (d) 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania's clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

F. The Proposed Solution

34. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

35. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec's net metering tariff sets a 2 MW cap on the size of distributed energy resources, and allows excess generation each month to be carried forward to successive months. Service by Penelec to the Bedford County Jail would also enable the County to actively manage multiple attributes of the Jail's electric consumption, by (a) allowing the Jail's electric generation to be managed by the County's energy consortium provider, PA Public Entity Energy

Consortium (“PPEEC”), (b) enabling the County to take advantage of the programs offered by Penelec pursuant to Act 129, including Phase III utility rebates and future program offerings, (c) giving the County the option of enrolling the Jail’s electric account into one, or more, of the Demand Response programs administered by the PJM Interconnection, Inc. (“PJM”), the regional wholesale electric market serving Pennsylvania, and (d) enabling the County to manage its Peak Load Contribution (PLC) and Network Service Peak Load (NSPL) in a manner that would produce long-term benefits in lowering the related miscellaneous charges on its monthly electric invoices.

36. Under the proposed solution, Bedford County and its taxpayers would capture the economic benefits of the Bedford Solar Project: savings of as much as \$5.3 million in energy costs over the 30-year estimated useful life of the Project. And the Commonwealth would benefit from 1.8 MW of renewable energy, thereby helping to achieve the GHG reduction goals in Governor Wolf’s January 2019 Executive Order.

37. Although the point of delivery for service to the Bedford County Jail and interconnection of the Bedford Solar Project would be at the boundary line between BREC and Penelec, because the facility served is located within BREC’s service territory, authorization from the Commission under the Territory Act is necessary.

III. Requested Relief

38. As noted above, § 7355(c) of the Territory Law provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

15 Pa.C.S. § 7355(c)

39. The retail electric service being furnished by BREC to the Bedford County Jail is inadequate. As described in the affidavit of Kurt D. Karsten, BREC refuses to interconnect the Bedford Solar Project as proposed, and refuses to allow a change in electric service providers to Penelec for its member, the Bedford County Jail, even though Bedford County has requested the right to withdraw from its membership in BREC, as provided for in the BREC Bylaws. Even if the Project could be interconnected, the terms under BREC's Net Metering Rider would enrich BREC at the expense of Bedford County taxpayers, and deny its member, Bedford County and the taxpayers of the Commonwealth of Pennsylvania, the economic benefits of the Project.

40. The inadequate retail electric service being furnished by BREC to the Bedford County Jail is not likely to be made adequate. As indicated in Mr. Karsten's affidavit, there is no reason to expect BREC's position on interconnecting the Bedford Solar Project to change. Nor is there any reason to believe that BREC will change the terms of its Net Metering Rider to bring it in line with legally mandated tariffs of other electric distribution companies in Pennsylvania (i.e., interconnecting distributed energy resources up to 2 MW, allowing excess generation each month to be carried forward on an annual basis, and paying the interconnecting utility's actual avoided cost for any excess generation on the basis of an annual reconciliation).

41. Section 7355(c) of the Territory Law empowers the Commission to grant relief to Bedford County, by authorizing another electric supplier—Penelec—to furnish retail electric service to the affected facility—the Bedford County Jail. Under Bedford County's proposed solution, the Bedford County Jail and the Bedford Solar Project could be interconnected with Penelec at the boundary of Penelec's service territory with BREC's service territory, without the need of obtaining any easements from third party landowners. All interconnection equipment would be located on Bedford County's property.

WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC's retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

/s/ James M. Van Nostrand

James M. Van Nostrand
320 Ft. Duquesne Blvd, #15K
Pittsburgh, PA 15222-1126
Phone: (304) 777-6050
E-mail: jvannostrand@keyesfox.com

*Counsel to Bedford County Board of
Commissioners*

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: September 18, 2020

APPENDICES

- A. Net Metering Rate Rider for Member-owned Alternative Energy Production Systems
- B. Affidavit of Kurt D. Karsten
- C. Affidavit of Andrew Biederman
- D. Affidavit of Barry Dallara

BEDFORD RURAL ELECTRIC COOPERATIVE, INC.
NET METERING RATE RIDER
FOR
MEMBER OWNED ALTERNATIVE ENERGY PRODUCTION SYSTEM

AVAILABILITY

Available in all territories served by the Cooperative. Subject to the established rules and regulations of the Cooperative, the aggregate capacity of members' alternative energy systems (AES) may be limited by the Cooperative's system, substation area and/or circuit.

APPLICABILITY

Applicable to all members of the Cooperative. The member's AES must: (1) be owned, operated, leased, or otherwise controlled by the member; (2) be operated in parallel with the Cooperative's distribution system; (3) have a nameplate capacity no greater than 25 kilowatts (kW) for residential service and up to 100 kilowatts (kW) for all other rate classes; and (4) be primarily intended to offset part or all of a member's electric generation requirements.

Member AESs that qualify under this Rate Rider are: solar photovoltaic or other solar energy, wind power, hydropower, biomass, and bio-digester gas and fuel cells as defined in Pa. Act 213 (Alternative Energy Portfolio Standards Act of 2004).

The member's AESs must meet or exceed the standards and requirements of the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, and Pennsylvania Public Utility Commission, as well as the Cooperative's Policy on Alternative Energy Production; Safety and Interconnection Requirements for Alternative Energy Production; and local requirements.

The member must have executed an Interconnection and Power Purchase Agreement with Bedford Rural Electric Cooperative, Inc. and Allegheny Electric Cooperative (Allegheny) to sell excess energy produced by the member's AES to Allegheny.

TYPE OF SERVICE

60 cycles, at available secondary voltage.

Service under this rate schedule requires metering equipment that can measure the flow of electricity in both directions.

COOPERATIVE MONTHLY BILLING

The Cooperative bills the member on a monthly basis according to the applicable rate schedule. The AES shall receive a kilowatt hour-for-kilowatt hour credit for each kilowatt-hour produced by an AES installed on the member's side of the electric revenue meter, up to the total amount of kilowatt hours used by the member during the billing period.

Energy produced by the member's AES in excess of that used by the member in any given annual period will be purchased by Allegheny at its avoided cost of wholesale energy.

NET METERING RATE RIDER – Member Owned Alternative Energy Production System
Page - 2 -

METER AGGREGATION

A member operating an AES may aggregate, either by physical or virtual means, electric energy consumption at properties owned, or leased and operated, by that member and served by the Cooperative, provided the other properties are located within two (2) miles of the property having the AES.

For AESs involved in virtual meter aggregation, a kilowatt hour credit shall first be applied to the meter at the service location of the member's AES. Excess kilowatt hours produced by the AES will then be credited equally to the remaining meters for the AESs account(s), at each meter's designated rate.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Bedford County Board of Commissioners :
Complainant :
v. : Docket No. C-2020-_____
Bedford Rural Electric Cooperative, Inc. :
Respondent :

State of Maryland)
County of Anne Arundel) ss.
)

AFFIDAVIT OF KURT D. KARSTEN, ESO.

I, Kurt D. Karsten, hereby solemnly affirm under the penalties of perjury that I am over the age of 18, competent to testify, and not a party to this action, and state as follows:

1. I am legal counsel for RER Energy Group, LLC ("RER").
2. RER is a regional leader in renewable energy development based in Reading, Pennsylvania. RER has been working with the Bedford County Board of Commissioners since early 2018 to develop a solar project to be sited at the Bedford County Jail ("Bedford Solar Project").
3. The current overall budget for the Bedford Solar Project is \$3,327,070. On the basis of a proposal prepared and submitted by Bedford Solar 58, LLC, a subsidiary of RER, a grant of \$900,698 was received from the Pennsylvania Commonwealth Financing Authority's Solar Energy Program toward the cost of the Bedford Solar Project, representing about 27% of the overall project budget. The remaining funding will be provided by the third-party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners.
4. In anticipation of the Bedford Solar Project, Bedford County and Bedford 58 Solar LLC entered into a Power Purchase Agreement ("PPA") pursuant to which Bedford 58

Solar, LLC will provide power from the Project that will supply 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project). The remaining generation – representing 60% of the output of the Bedford Solar Project—is to be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County. The Power Purchase Agreement was signed after several public meetings of the Bedford County Commissioners and several articles in local publications publicly discussing the Bedford Solar Project.

5. As described in the accompanying affidavit of Andrew Biederman, on or about June 19, 2018, RER submitted an interconnection application to the Bedford Rural Electric Cooperative (“BREC”) for the Bedford Solar Project, which did a Feasibility Study that determined the Project was feasible and could be interconnected to BREC’s grid upon payment of certain identified costs. However, thereafter, despite BREC’s Feasibility Study, BREC’s General Manager subsequently stated BREC would not sign a “Service Territory Agreement” with the adjoining Utility, Penelec, under any circumstances, to allow the project to go forward.

6. On November 11, 2019, I sent an email to Brooks R. Shoemaker (General Manager/CEO of BREC) (“Mr. Shoemaker”) concerning the involvement of BREC in the project as well as discussing the obstacles that had arisen in getting final approval of the interconnection application submitted by RER, namely that BREC refused to enter a Service Territory Agreement that would allow Bedford County to obtain service for the Jail location from Penelec, so as to allow implementation of the Bedford Solar Project.

7. In the November 11, 2019 email, I mentioned two other opportunities for the Bedford Solar Project to remain viable and still allow BREC to provide adequate service to Bedford County at the Bedford Jail site. Specifically, the first option involved the Bedford County

Jail withdrawing from service for the Jail from BREC completely, and connecting directly to Penelec via an abandoned strip of land that directly connects the Bedford County Jail property to Penelec service territory. This option would require the Bedford County Jail to withdraw, subject to certification from the BREC Board that Bedford's electricity bill had been paid to date and it appeared to be allowed by the BREC Bylaws pertaining governing its relationship with its Members (such as Bedford County.)

8. The second opportunity mentioned in the November 11, 2019 email involved the Bedford County Jail remaining a customer of BREC with the County and, through its developer, building a smaller array at the Bedford County Jail consistent with the Interconnection Study already performed. That proposed smaller array would, with BREC's cooperation, on an annual basis, offset 100% of the electrical load of the Bedford County Jail and the County would then build a second array at a location the County had already identified as a solar site, in Penelec Territory. The combination of the two arrays would result in the same size project that was originally envisioned by the Bedford County Board of Commissioners and would achieve the savings as originally projected, if the second site were used to augment the Bedford County Jail site. Bedford County would continue to be technically a customer of BREC, though the Bedford County Jail array would, on an annual basis, provide all of the Jail's electricity needs.

9. In the November 11, 2019 email, I mentioned that the preferred path for Bedford County, based upon the evolution of the project over the course of the prior two years, would be the withdrawal of the Bedford County Jail from BREC and the direct connection to Penelec, however, if BREC would agree to the annual "true-up" of net-metering, as opposed to the monthly "true-up" dictated by the BREC tariff, then the second option would also work.

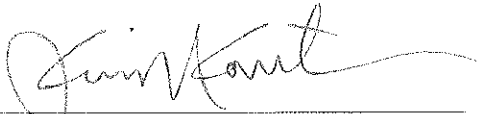
10. On November 21, 2019, I had a phone consultation with Mr. Shoemaker and Ryan T. Young (Engineering Manager, BREC) concerning the content of the November 11, 2019 email. During this consultation, Mr. Shoemaker stated that BREC would never consent to the Bedford County Jail getting power from anyone else, so BREC would not approve of the withdrawal if it meant that the Bedford County Jail would become a customer of Penelec, despite the bylaws provision. Although Mr. Shoemaker stated that the Jail could technically withdraw from BREC, the consequence, as far as BREC was concerned, would be that the Jail would not have any electric service at all (inasmuch as BREC would not consent to the Jail being served by Penelec).

11. During the same phone call, I also spoke with Mr. Shoemaker about the idea of building an array at the Jail that would be sized to cover just the Jail's needs. Mr. Shoemaker explained that BREC's tariff for net metering could only be "trued up" on a monthly basis—not an annual basis—which would preclude any excess generation produced by the Jail's solar array from being carried forward to offset subsequent retail sales from BREC. Consequently, any excess generation that would occur in a given month would be compensated by BREC at its "avoided cost" rate, which Mr. Shoemaker described as about \$0.025 per kWh.

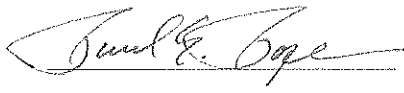
12. When I pointed out that the avoided cost that BREC published as its cost of electricity in the annual budget on its website was closer to \$0.07 per kWh, he explained that the avoided cost that would apply for a net metered project in BREC territory would not be BREC's avoided cost. Rather, it would be the avoided cost of a different company (of which Bedford County is not a Member), specifically BREC's energy supplier, Allegheny Electric Cooperative, Inc. When I pointed out that this approach was not in the best interest of either BREC's Member (Bedford County) but rather would be allowing BREC to "make a profit off its Member" by paying

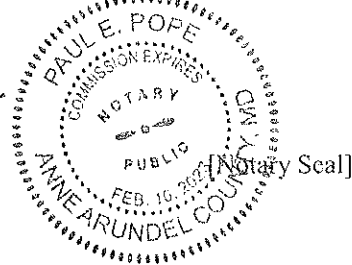
Bedford County much less than BREC's avoided costs for the excess energy generated, Mr. Shoemaker simply replied that this was how the BREC net metering tariff worked.

9/15/20
Date


Kurt D. Karsten

Subscribed and sworn to before me on the 15th day of September, 2020.


Notary Public



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Bedford County Board of Commissioners
Complainant

v.

Docket No. C-2020-_____

Bedford Rural Electric Cooperative,
Respondent

State of Iowa)
County of) ss.
Blackhawk)

AFFIDAVIT OF ANDREW BIEDERMAN

I, Andrew Biederman, hereby solemnly affirm under the penalties of perjury that I am over the age of 18, competent to testify, and not a party to this action, and state as follows:

1. I am the Manager of Design & Engineering for RER Energy Group, LLC ("RER").
2. In March 2018, the Bedford County Commission received approval of a grant in the amount of \$900,698.00 by the Commonwealth of Pennsylvania Commonwealth Financing Authority for the installation of a solar project at the Bedford County Jail ("Bedford Solar Project"). The grant was approved based upon a proposal tendered by Bedford 58 Solar LLC, a subsidiary of RER.
3. As the Manager of Design and Engineering for RER, I took the lead on communications with the Bedford Rural Electric Cooperative, Inc. ("BREC") with respect to integration of the Bedford Solar Project with BREC's system. On or about June 19, 2018, I submitted, on behalf of RER, an interconnection application via email to Ryan T. Young, Engineering Manager ("Mr. Young") for BREC for a solar project of approximately 1,260 kW AC in size to be sited at the Bedford County Jail.

4. On June 25, 2018, I received a reply email from Mr. Young acknowledging the application and attached documents but advising that the cost of the "System Impact and Facilities Study" ("Feasibility Study") would need to be received prior to processing the application. That same day, the bookkeeper for RER drafted the check, payable to "Bedford Rural Electric Cooperative," in the amount of \$7,500.00. I scanned a copy of the check and sent it to Mr. Young in a show of good faith that RER wanted to proceed. The actual check was mailed that day.

5. On August 17, 2018, Mr. Young sent me the final Feasibility Study via email and encouraged me to contact him with any questions. A copy of the Feasibility Study is included as Exhibit 1 to this Affidavit.

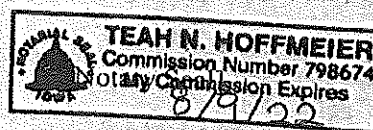
6. On August 22, 2018, Mr. Young replied to my August 20, 2018 email and suggested scheduling a conference call between RER, BREC, and Power System Engineering ("PSE"). He also advised that BREC "expects payment upfront" once the detailed costs have been finalized.

09/15/2020
Date

Andrew Biederman
Andrew Biederman

Subscribed and sworn to before me on the 15th day of September, 2020.

Teah N. Hoffmeier
Notary Public



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners :
Complainant :
v. : Docket No. C-2020-_____
Bedford Rural Electric Cooperative, :
Respondent :

AFFIDAVIT OF BARRY DALLARA

I, Barry Dallara, hereby solemnly affirm under the penalties of perjury that I am over the age of 18, competent to testify, and not a party to this action, and state as follows:

1. I am the Vice-Chairman of the Bedford County Board of Commissioners, who is the Complainant in the above captioned matter.
2. With the help of a \$900,698.00 Grant awarded to Bedford County by the Commonwealth of Pennsylvania Commonwealth Financing Authority for the purposes of furthering Governor Tom Wolf's policies of supporting renewable energy projects for the benefit of the citizens of Pennsylvania, Bedford County is developing a 1.38 megawatt ("MW") aggregated virtual net metering solar array (the "Bedford Solar Project") which will be situated on approximately 6 acres of land on the site of the Bedford County Jail, and which is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and, in fact, has the potential to provide several benefits to the Jail. Bedford County owns the parcel projected for the array and has signed a land lease authorizing the development on site.
3. Pursuant to a Power Purchase Agreement ("PPA") for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will supply 100% of the

electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project), and will also produce substantial excess generation (representing 60% of the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County.

4. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County's cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric service provided by both of the County's retail electric suppliers (Penelec and Bedford Rural Electric Cooperative a/k/a "BREC"). It has been estimated that the Bedford Solar Project will result in savings of as much as \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

5. On or about June 4, 2018, I spoke with representatives from RER Energy, Larry Myers (1st Vice Chairman, Municipal Authority of the Borough of Bedford) ("Mr. Myers"), and Rodney Rose ("Rose") and Brooks R. Shoemaker (General Manager & CEO, BREC) ("Mr. Shoemaker") regarding the interconnection agreement proposed by RER Energy to provide a solar array to remote net meter excess from the Bedford Prison to the Bedford County Courthouse.

6. Shortly thereafter, Rodney Rose informed me of a telephone conversation with Mr. Shoemaker at which time BREC's relationship with Allegheny Electric Cooperative and, specifically, conversations between BREC and Ben Ricci (Manager, Alternative Energy and Competitive Markets, Allegheny Electric Cooperative) ("Mr. Ricci") were discussed.

7. It was my understanding, following these conversations, that Allegheny Electric Cooperative and BREC were going to cooperate in effecting a virtual net metering of Bedford County-owned buildings in order to realize the cost savings to the taxpayers of Bedford County.

8. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, RER Energy Group proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

9. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec's net metering tariff sets a 2 MW cap on the size of distributed energy resources and allows excess generation each month to be carried forward to successive months.

10. Under the proposed solution, Bedford County and its taxpayers would capture the economic benefits of the Bedford Solar Project: savings in energy costs over the 30-year estimated useful life of the Project. And the Commonwealth would benefit from 1.8 MW of renewable energy, thereby helping to achieve the aggressive GHG reduction goals in Governor Wolf's January 2019 Executive Order.

11. Although the point of delivery for service to the Bedford County Jail and interconnection of the Bedford Solar Project would be at the boundary line between BREC and Penelec, because the facility served is located within BREC's service territory, authorization from the Commission under the Territory Act is necessary.

Aug 18, 2020
Date

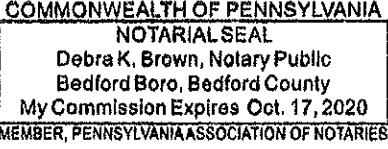
Barry L. Dallara
Barry Dallara, Commissioner

Bedford
County of Bedford

Notary:

Debra K. Brown
Signature

Date: 8-18-2020



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bedford County Board of Commissioners	:	
Complainant	:	
	:	
v.	:	Docket No. C-2020-_____
	:	
Bedford Rural Electric Cooperative,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

VIA FIRST CLASS MAIL, POSTAGE PREPAID

Brooks R. Shoemaker
General Manager/Chief Executive Officer
Bedford Rural Electric Cooperative
8846 Lincoln Highway
Bedford, PA 15522

Barry Dallara
Josh Lang
Deb Baughman
Board of Commissioners of Bedford County
200 S. Juliana St., Third Floor, Suite 301
Bedford, PA 15522

Dated this 18th day of September, 2020.

/s/ Blake Elder
Keyes & Fox LLP
1155 Kildaire Farm Rd., Suite 203
Cary, NC 27511
Phone: 919-825-3339
Email: belder@keyesfox.com

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, September 23, 2020 4:52 PM
To: Kurt Karsten
Subject: BCCF Solar Project

Kurt, the county got a call from Brooks Shoemaker today demanding to talk to me. I was in another meeting and did not leave the meeting to take his call. He left a voice mail that I didn't have time to listen to before I left the office today. I needed to pick up a prescription for her prior to the pharmacy closing. I sure the call is about the petition that has been filed to the PUC for a hearing. Kurt I need a return call from you first thing tomorrow am. I intend on informing Mr Shoemaker that the point of contact in reference to the petition is you and provide him your phone number. Please advise ASAP if you concur with him contacting you. I am not going to allow him to claim I said anything other than what's in the petition.

Sent from my iPhone

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, September 23, 2020 8:17 PM
To: Kurt Karsten
Subject: BREC Phone Call

Kurt, just got your voice mail regarding Brooks Shoemaker attempting/demanding to talk. Kurt I will call you tomorrow am, I prefer to talk with you before I have a any communication with Me. Shomaker.

Sent from my iPhone

Debra Brown

From: Commissioner Dallara
Sent: Thursday, September 24, 2020 9:21 AM
To: Kurt Karsten
Cc: Commissioner Lang; Commissioner Baughman
Subject: PUC AMENDED FILING

Kurt, please forward the amended filing to the PUC you spoke of this morning. Also my understanding of the amended filing is to shift the burden of proof of a complaint from only the county to a request that identifies BREC as an interested party vs them being the subject of a complaint. Additionally the amended filing will be resolved in 3-4 months vs a much longer period if our petition remains a complaint.

Thank you.

Sent from my iPhone

Debra Brown

From: Commissioner Dallara
Sent: Thursday, September 24, 2020 11:01 AM
To: Kurt Karsten
Subject: BCCF Solar Project

Kurt, who is the operational point of contact for RER Energy to communicate with. We are concerned about the condition of the solar project equipment that has been on site for two years.

Sent from my iPhone

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, September 24, 2020 11:07 AM
To: Commissioner Dallara
Cc: Mike Barnes; Chris Pozza; Jim Kurtz
Subject: Re: BCCF Solar Project

Barry,

Copying in Mike Barnes who is the point person there.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

> On Sep 24, 2020, at 11:00 AM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:
>
> Kurt, who is the operational point of contact for RER Energy to communicate with. We are concerned about the
> condition of the solar project equipment that has been on site for two years.
>
> Sent from my iPhone
> --
> ExchangeDefender Message Security: Click below to verify authenticity
> [https://verify.exchangedefender.com/verify.php?id=08OF1uWO029234&from=](https://verify.exchangedefender.com/verify.php?id=08OF1uWO029234&from=cdallara@bedfordcountypa.org)
> cdallara@bedfordcountypa.org
>
>

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, September 24, 2020 11:12 AM
To: Commissioner Dallara
Cc: Commissioner Lang; Commissioner Baughman
Subject: Re: PUC AMENDED FILING
Attachments: PUC Petition.docx; ATT00001.txt

Commissioner Dallara,

Yes, that is correct. The revised Petition is attached.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

> On Sep 24, 2020, at 9:21 AM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

>

>

> Kurt, please forward the amended filing to the PUC you spoke of this morning. Also my understanding of the amended filing is to shift the burden of proof of a complaint from only the county to a request that identifies BREC as an interested party vs them being the subject of a complaint. Additionally the amended filing will be resolved in 3-4 months vs a much longer period if our petition remains a complaint.

> Thank you.

> Sent from my iPhone

> --

> ExchangeDefender Message Security: Click below to verify authenticity

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> <https://verify.exchangedefender.com/verify.php?id=080DL7tU030238&from=cdallara@bedfordcountypa.org>

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of the Bedford County Board :
of Commissioners for Relief :
Under Section 7355(c) of the : Docket No. P-2020-_____
Unincorporated Area Certified :
Territory Law of 1990 :

PETITION

Pursuant to ~~52 Pa. Code § 5.41~~ ~~Section 701 of the Public Utility Code, 66 Pa.C.S. § 701,~~
Bedford County Board of Commissioners (“Bedford County”) hereby petitions the Pennsylvania
Public Utility Commission (“Commission”) for submits this formal complaint against the
Bedford Rural Electric Cooperative (“BREC”) alleging inadequate service by its existing retail
electric supplier, entitling Bedford County to relief under Section 7355(c) of the Unincorporated
Area Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c). Specifically, Bedford County seeks
a ruling from the Commission that:

- (1) includes a finding that the retail electric service being furnished by the Bedford
Rural Electric Cooperative, Inc. (“BREC”) to the Bedford County Jail is inadequate
and is not likely to be made adequate, and
- (2) authorizes Penelec to be the retail electric supplier to the Bedford County Jail.

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In support of its Petition Complaint, Bedford County states as follows:

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I. Commission Jurisdiction and Authority

1. The ~~Public Utility~~ Commission (“~~Commission~~”) is a duly constituted agency of
the Commonwealth of Pennsylvania empowered to regulate public utilities within the
Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”) and,
more specifically, to establish certified territory between retail electric suppliers where one
supplier is an electric cooperative corporation and the other supplier is subject to the jurisdiction

of the Commission for rates, terms and conditions for electric service, pursuant to the Unincorporated Area Certified Territory Law of 1990, 15 Pa.C.S. §§ 7351-7359 (the “Territory Law”).

2. Complainant is the Board of Commissioners of Bedford County, Pennsylvania, 200 South Juliana Street, Third Floor, Suite 301, Bedford, PA 15522. Bedford County is organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs. The Board of Commissioners is the legislative and administrative body of county government in Bedford County.

3. Counsel for Complainant is as follows:

James M. Van Nostrand
Of Counsel
Keyes & Fox LLP
320 Ft. Duquesne Blvd, #15K
Pittsburgh, PA 15222-1126
jvannostrand@keyesfox.com

4. Respondent is Bedford Rural Electric Cooperative, Inc., a non-profit electric cooperative incorporated on June 2, 1939, with a principal place of business at 8846 Lincoln Hwy, Bedford, PA 15522. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. BREC serves over 9,000 members and maintains 9 substations and over 1,260 miles of line.

5. Penelec, a FirstEnergy company, is an electric distribution company with offices located at 2312-2334 Oakland Ave, Indiana, PA 15701. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility service as an electric distribution company to the public for compensation, including multiple locations owned by Bedford County.

6. Both Penelec and BREC are “retail electric supplier[s]” under § 7352 of the Territory Law, 15 Pa.C.S. § 7352. Penelec and BREC have a mutual boundary in an unincorporated area of Bedford County.

7. In addition to the several pieces of real property owned by Complainant that receive electric service from Penelec, Complainant owns one piece of real property (the “Bedford County Jail”) that, by virtue of an abandoned railroad bed that is part of the Bedford County Jail property, transects the mutual boundary between BREC and Penelec (i.e., the property is partially within the Penelec service territory and partially within the BREC service territory). The Bedford County Jail has traditionally received electric service from BREC, and Bedford County is a member of BREC.

8. Under the Territory Law, the Commission has jurisdiction to establish the certified territory between retail electric suppliers, where one supplier is an electric cooperative (BREC) and the other potential supplier (Penelec) is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service. 15 Pa.C.S. § 7351

9. The Territory Law allows Bedford County to seek relief from inadequate service provided by BREC. Section 7355(c) provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

10. Bedford County seeks a ruling from the Commission that, based upon the facts and circumstances described herein, the retail electric service being furnished by BREC to the Bedford County Jail is inadequate and is not likely to be made adequate. Complainant

respectfully requests that the Commission authorize Penelec to be the retail electric supplier to the Bedford County Jail property for the reasons stated below.

II. Background

A. The Proposed Project

11. With the help of a \$900,698.00 grant awarded to Bedford County by the Pennsylvania Commonwealth Financing Authority's Solar Energy Program, Bedford County is developing a 1.3 megawatt ("MW") aggregated virtual net metering solar array (the "Bedford Solar Project") which will be situated on approximately 6 acres of land on the site of the Bedford County Jail. In addition to providing electricity to the Bedford County Jail, the Bedford Solar Project is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and, in fact, has the potential to provide several benefits to the Jail. Bedford County owns the parcel on which the array will be built and has signed a land lease authorizing the development on site.

12. The overall budget for the Bedford Solar Project is \$3,327,070. As stated, the grant of \$900,698 provided by the CFA Solar Energy Program toward the cost of the Bedford Solar Project represents about 27% of the overall project budget. The remaining funding will be provided by the third party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners.

13. Pursuant to a Power Purchase Agreement ("PPA") for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will supply 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project), and will also produce substantial excess generation (representing 60% of

the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County.

14. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County's cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric service provided by both of the County's retail electric suppliers (Penelec and BREC). The Bedford Solar Project is expected to produce savings of \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

B. Benefits of the Proposed Project to Bedford County

15. As stated, the taxpayers of Bedford County would receive substantial benefits from the financial savings created from the Bedford Solar Project. The Bedford County Jail is currently the single largest line item expenditure in the annual Bedford County budget. By significantly reducing the operation and maintenance costs of the Bedford County Jail facility—without requiring increases in taxation on the citizens of Bedford County—the Bedford Solar Project would provide a direct financial benefit to all taxpayers in Bedford County. Moreover, it would lessen the burden on the Commonwealth of Pennsylvania to support Bedford County Jail operations.

16. Virtual net metering of the Bedford Solar Project would enable Bedford County to use the electrical output of the Bedford Solar Project—which will produce electricity in excess of the Bedford County Jail's needs—to offset the electricity used at nearby Bedford County-owned buildings, thereby providing additional financial benefits to all taxpayers in Bedford County.

C. Benefits of the Proposed Project to the Commonwealth

17. The Bedford Solar Project is consistent with Pennsylvania’s environmental objectives and, more specifically, the encouragement of growth in renewable energy to address climate and sustainability objectives. The development of renewable energy projects has been and continues to be encouraged by financial incentives, legislative changes, and most recently, Pennsylvania Governor Tom Wolf’s Executive Order to establish statewide goals to reduce carbon emissions.

18. Financial incentives from the private sector, state and federal grant programs, and a Federal Investment Tax Credit (“ITC”) directly support the development of solar generation. As detailed above, the Bedford Solar Project in particular is receiving nearly a third of its funding through a grant from the CFA Solar Energy Program—a grant which may be lost if the relief requested by this [ComplaintPetition](#) is not obtained. While many state and federal grant programs have ended over the past few years, the ITC is still in effect and used by many solar developers and customers. Bedford 58 Solar, LLC successfully captured the 30% ITC in 2019 under the safe harbor rules (the ITC is phasing down in years after 2019) by purchasing all of the solar modules needed for the Project, which are currently being stored on-site at the Bedford County Jail. The PPA under which the Bedford Solar Project is being financed enables Bedford County to achieve cost savings that are made possible by the application of the federal ITC to the Project. (As a unit of government, without the use of the third-party ownership and the PPA, Bedford County would be unable to receive any cost savings resulting from a Project that qualifies for use of the federal ITC. In a sense, the PPA thus allows the Commonwealth’s taxpayers to capture back some of the tax these taxpayers pay to the federal government.) Financial incentives make solar assets less costly and reduce the payback, or break-even period,

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and identifies the expansion of virtual net metering opportunities as a key strategy to achieve that goal.³

22. On January 8, 2019, Governor Tom Wolf issued Executive Order No. 2019-01, “Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance,” which establishes the goal of achieving a 26 percent reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80 percent reduction of net greenhouse gas emissions by 2050 from 2005 levels.⁴ Under the Executive Order, all agencies under the Governor’s jurisdiction are required to “[p]rocure renewable energy to offset at least 40 percent of the Commonwealth’s annual electricity use and evaluate opportunities to source electricity through Pennsylvania Certified Tier I credits, and/or direct purchase of renewable power generation sited within Pennsylvania.”

23. The Commission’s “Electric Power Outlook for Pennsylvania 2018-2023” states that “[o]ver 30 GW of new distributed solar photovoltaic is expected by the end of 2023.”⁵

D. Substantial Progress on Installation of the Bedford Solar Project

24. Following announcement of the \$900,698 grant from the Commonwealth Financing Authority’s Solar Energy Program in March 2018, Bedford County and RER began taking steps to commence installation of the Bedford Solar Project. RER submitted an Application for Interconnection to BREC in June 2018, which was accompanied by a check for \$7500. (*Biederman Affidavit*, ¶ 4) This was followed by extensive communications between Andrew Biederman of RER and Ryan T. Young, Manager of Engineering at BREC. (*Id.*)

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25. The solar panels for the Bedford Solar Project were delivered to the site in the fall of 2018. On December 12, 2018, a groundbreaking ceremony was held at the site, attended by local leaders and Department of Community and Economic Development (DCED) Secretary Dennis Davin and Department of Environmental Protection (DEP) Executive Deputy Secretary Ramez Ziadeh. Secretary Davin stated at the time that “[t]he Wolf Administration is committed to cultivating a robust and diverse energy portfolio that takes full advantage of renewable technologies like solar. This project makes sense not just from an environmental perspective, but from an economic perspective as well. It’s great news for the Bedford area.” According to a statement issued by DEP Secretary Patrick McDonnell, “Pennsylvanians are increasingly interested in the benefits of getting electricity from solar energy at home, at work, at school, and throughout the community. While multi-purposing land around the correctional facility, creating jobs, and lowering electricity costs, the Bedford County solar array will remove over 1,600 metric tons of carbon dioxide from the air, helping to address the challenges of climate change. The project perfectly exemplifies how the diverse benefits of solar energy can improve quality of life for our communities.” Josh Lang, chairman of the Bedford County Board of Commissioners stated that “[t]he Bedford County solar project is a great example of coordination and collaboration working – one of the county’s overarching goals. This project is another successful implementation of forward-thinking innovative technology that will benefit taxpayers for years to come. I thank everyone who helped to make this project a reality.”

26. At the time of the groundbreaking, the Bedford Solar Project was expected to become operational in the spring of 2019. As discussed below, however, BREC is refusing to interconnect the Project as it is currently structured. Moreover, the unfavorable terms under

which BREC would interconnect the Project make it economically infeasible. Without the relief requested in this [ComplaintPetition](#), the Bedford Solar Project will not become a reality.

E. The Impact of BREC's Terms of Utility Service on the Bedford Solar Project

27. Under BREC's Net Metering Rate Rider for Member-owned Alternative Energy Production Systems (attached hereto as Appendix A) ("Net Metering Rider"), the size of any "alternative energy system" interconnected with BREC is limited to 100 kilowatts (kW), which is substantially smaller than the 1.8 MW installation of the Bedford Solar Project.

28. Unlike most electric distribution companies operating in Pennsylvania—which allow excess kilowatthours (kWhs) during any billing period to be carried over to successive periods, subject to an annual reconciliation—BREC's Net Metering Rider prohibits such excess generation within a billing period to be carried over to succeeding billing periods. Rather, the energy produced by any alternative energy system during any billing period is purchased by BREC at a rate much lower than the applicable net metering rates (its retail price of electricity).

29. And rather than using its own actual "avoided costs" as the price for such excess generation during a billing period—which is about seven cents per kWh—BREC uses the avoided costs of its energy supplier, Allegheny Electric Cooperative, which is about 2.5 cents per kWh (*Karsten Affidavit*, ¶ 11), a policy which actually penalizes BREC members for installing renewable energy systems—directly contrary to the state and federal programs and goals recited above.

30. Under Penelec's Net Metering Rider (consistent with Commonwealth law), meter aggregation is permitted only if the other metered locations are located in the same service territory and also located within two miles of the alternative energy system. Bedford County sized the Bedford Solar Project to enable virtual net metering for other County-owned buildings,

all of which, while located within two miles of the Bedford Solar Project, are located in the adjacent Penelec service territory.

31. As described in the Affidavit of Kurt D. Karsten, included as Appendix B, BREC is refusing to interconnect the Bedford Solar Project under the configuration proposed by Bedford County (i.e., with third-party ownership through a PPA and sized to accommodate virtual net metering of other County-owned buildings).

32. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC (and its electric supplier, Allegheny Electric Cooperative) buying only a small amount of the excess output of the Project each month at a rate of 2.5 cents per kWh (while getting as much as 80% of the amount of excess generation for free), far below BREC's retail rate (currently about 10.1 cents per kWh) and its avoided costs (about 7 cents per kWh). (*Karsten Affidavit*, ¶ 12) BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project described above.

33. The cancellation of the Bedford Solar Project would result in the loss of: (a) the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, (b) the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, (c) the substantial cost saving benefits to Bedford County and its taxpayers, and (d) 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania's clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

F. The Proposed Solution

34. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

35. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec's net metering tariff sets a 2 MW cap on the size of distributed energy resources, and allows excess generation each month to be carried forward to successive months. Service by Penelec to the Bedford County Jail would also enable the County to actively manage multiple attributes of the Jail's electric consumption, by (a) allowing the Jail's electric generation to be managed by the County's energy consortium provider, PA Public Entity Energy Consortium (PPEEC), (b) enabling the County to take advantage of the programs offered by Penelec pursuant to Act 129, including Phase III utility rebates and future program offerings, (c) giving the County the option of enrolling the Jail's electric account into one, or more, of the Demand Response programs administered by the PJM Interconnection, Inc. ("PJM"), the regional wholesale electric market serving Pennsylvania, and (d) enabling the County to manage its Peak Load Contribution (PLC) and Network Service Peak Load (NSPL) in a manner that would produce long-term benefits in lowering the related miscellaneous charges on its monthly electric invoices.

36. Under the proposed solution, Bedford County and its taxpayers would capture the economic benefits of the Bedford Solar Project: savings of as much as \$5.3 million in energy costs over the 30-year estimated useful life of the Project. And the Commonwealth would benefit

from 1.8 MW of renewable energy, thereby helping to achieve the GHG reduction goals in Governor Wolf's January 2019 Executive Order.

37. Although the point of delivery for service to the Bedford County Jail and interconnection of the Bedford Solar Project would be at the boundary line between BREC and Penelec, because the facility served is located within BREC's service territory, authorization from the Commission under the Territory Act is necessary.

III. Requested Relief

38. As noted above, § 7355(c) of the Territory Law provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

15 Pa.C.S. § 7355(c)

39. The retail electric service being furnished by BREC to the Bedford County Jail is inadequate. As described in the affidavit of Kurt D. Karsten, BREC refuses to interconnect the Bedford Solar Project as proposed, and refuses to allow a change in electric service providers to Penelec for its member, the Bedford County Jail, even though Bedford County has requested the right to withdraw from its membership in BREC, as provided for in the BREC Bylaws. Even if the Project could be interconnected, the terms under BREC's Net Metering Rider would enrich BREC at the expense of Bedford County taxpayers, and deny its member, Bedford County and the taxpayers of the Commonwealth of Pennsylvania, the economic benefits of the Project.

40. The inadequate retail electric service being furnished by BREC to the Bedford County Jail is not likely to be made adequate. As indicated in Mr. Karsten's affidavit, there is no reason to expect BREC's position on interconnecting the Bedford Solar Project to change. Nor is there any reason to believe that BREC will change the terms of its Net Metering Rider to bring it

in line with legally mandated tariffs of other electric distribution companies in Pennsylvania (i.e., interconnecting distributed energy resources up to 2 MW, allowing excess generation each month to be carried forward on an annual basis, and paying the interconnecting utility's actual avoided cost for any excess generation on the basis of an annual reconciliation).

41. Section 7355(c) of the Territory Law empowers the Commission to grant relief to Bedford County, by authorizing another electric supplier—Penelec—to furnish retail electric service to the affected facility—the Bedford County Jail. Under Bedford County's proposed solution, the Bedford County Jail and the Bedford Solar Project could be interconnected with Penelec at the boundary of Penelec's service territory with BREC's service territory, without the need of obtaining any easements from third party landowners. All interconnection equipment would be located on Bedford County's property.

WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC's retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

James M. Van Nostrand
Counsel for Bedford County

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: September 25~~18~~, 2020

APPENDICES

- A. Net Metering Rate Rider for Member-owned Alternative Energy Production Systems
- B. Affidavit of Kurt D. Karsten
- C. Affidavit of Andrew Biederman
- D. Affidavit of Barry Dallara

Debra Brown

From: Commissioner Dallara
Sent: Thursday, September 24, 2020 1:21 PM
To: Commissioner Baughman; Commissioner Lang
Subject: Fwd: PUC AMENDED FILING
Attachments: PUC Petition.docx; ATT00001.htm

FYI

Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: September 24, 2020 at 11:12:26 AM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>
Subject: Re: PUC AMENDED FILING

Commissioner Dallara,

Yes, that is correct. The revised Petition is attached.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of the Bedford County Board :
of Commissioners for Relief :
Under Section 7355(c) of the : Docket No. P-2020-_____
Unincorporated Area Certified :
Territory Law of 1990 :

PETITION

Pursuant to ~~52 Pa. Code § 5.41~~~~Section 701 of the Public Utility Code, 66 Pa.C.S. § 701,~~
Bedford County Board of Commissioners (“Bedford County”) ~~hereby petitions the Pennsylvania~~
~~Public Utility Commission (“Commission”) for submits this formal complaint against the~~
~~Bedford Rural Electric Cooperative (“BREC”) alleging inadequate service by its existing retail~~
~~electric supplier, entitling Bedford County to relief under Section 7355(c) of the Unincorporated~~
~~Area Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c). Specifically, Bedford County seeks~~
~~a ruling from the Commission that:~~

- ~~(1) includes a finding that the retail electric service being furnished by the Bedford Rural Electric Cooperative, Inc. (“BREC”) to the Bedford County Jail is inadequate and is not likely to be made adequate, and~~
- ~~(2) authorizes Penelec to be the retail electric supplier to the Bedford County Jail.~~

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In support of its ~~Petition~~Complaint, Bedford County states as follows:

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I. Commission Jurisdiction and Authority

1. The ~~Public Utility~~ Commission (~~“Commission”~~) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”) and, more specifically, to establish certified territory between retail electric suppliers where one supplier is an electric cooperative corporation and the other supplier is subject to the jurisdiction

of the Commission for rates, terms and conditions for electric service, pursuant to the Unincorporated Area Certified Territory Law of 1990, 15 Pa.C.S. §§ 7351-7359 (the “Territory Law”).

2. Complainant is the Board of Commissioners of Bedford County, Pennsylvania, 200 South Juliana Street, Third Floor, Suite 301, Bedford, PA 15522. Bedford County is organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs. The Board of Commissioners is the legislative and administrative body of county government in Bedford County.

3. Counsel for Complainant is as follows:

James M. Van Nostrand
Of Counsel
Keyes & Fox LLP
320 Ft. Duquesne Blvd, #15K
Pittsburgh, PA 15222-1126
jvannostrand@keyesfox.com

4. Respondent is Bedford Rural Electric Cooperative, Inc., a non-profit electric cooperative incorporated on June 2, 1939, with a principal place of business at 8846 Lincoln Hwy, Bedford, PA 15522. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. BREC serves over 9,000 members and maintains 9 substations and over 1,260 miles of line.

5. Penelec, a FirstEnergy company, is an electric distribution company with offices located at 2312-2334 Oakland Ave, Indiana, PA 15701. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility service as an electric distribution company to the public for compensation, including multiple locations owned by Bedford County.

6. Both Penelec and BREC are “retail electric supplier[s]” under § 7352 of the Territory Law, 15 Pa.C.S. § 7352. Penelec and BREC have a mutual boundary in an unincorporated area of Bedford County.

7. In addition to the several pieces of real property owned by Complainant that receive electric service from Penelec, Complainant owns one piece of real property (the “Bedford County Jail”) that, by virtue of an abandoned railroad bed that is part of the Bedford County Jail property, transects the mutual boundary between BREC and Penelec (i.e., the property is partially within the Penelec service territory and partially within the BREC service territory). The Bedford County Jail has traditionally received electric service from BREC, and Bedford County is a member of BREC.

8. Under the Territory Law, the Commission has jurisdiction to establish the certified territory between retail electric suppliers, where one supplier is an electric cooperative (BREC) and the other potential supplier (Penelec) is subject to the jurisdiction of the Commission for rates, terms and conditions for electric service. 15 Pa.C.S. § 7351

9. The Territory Law allows Bedford County to seek relief from inadequate service provided by BREC. Section 7355(c) provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

10. Bedford County seeks a ruling from the Commission that, based upon the facts and circumstances described herein, the retail electric service being furnished by BREC to the Bedford County Jail is inadequate and is not likely to be made adequate. Complainant

respectfully requests that the Commission authorize Penelec to be the retail electric supplier to the Bedford County Jail property for the reasons stated below.

II. Background

A. The Proposed Project

11. With the help of a \$900,698.00 grant awarded to Bedford County by the Pennsylvania Commonwealth Financing Authority's Solar Energy Program, Bedford County is developing a 1.3 megawatt ("MW") aggregated virtual net metering solar array (the "Bedford Solar Project") which will be situated on approximately 6 acres of land on the site of the Bedford County Jail. In addition to providing electricity to the Bedford County Jail, the Bedford Solar Project is designed to virtually net meter to multiple locations also owned by Bedford County that currently receive retail electric service from Penelec. The Project will not hinder or compromise Jail operations in any way and, in fact, has the potential to provide several benefits to the Jail. Bedford County owns the parcel on which the array will be built and has signed a land lease authorizing the development on site.

12. The overall budget for the Bedford Solar Project is \$3,327,070. As stated, the grant of \$900,698 provided by the CFA Solar Energy Program toward the cost of the Bedford Solar Project represents about 27% of the overall project budget. The remaining funding will be provided by the third party project owner, Bedford 58 Solar, LLC in cooperation with its financial partners.

13. Pursuant to a Power Purchase Agreement ("PPA") for the Bedford Solar Project, Bedford 58 Solar, LLC will provide power from the Jail location that will supply 100% of the electricity currently consumed annually by the Jail (representing 40% of the output of the Bedford Solar Project), and will also produce substantial excess generation (representing 60% of

the output of the Bedford Solar Project) that will be virtually net metered to several Bedford County locations, thereby providing significant savings to the citizens of Bedford County.

14. Over its estimated 30-year useful life, the Bedford Solar Project will generate an anticipated 65,401,430kWh of clean energy. The use of a PPA for the Bedford Solar Project will (1) immediately lower Bedford County's cost of energy by reducing the cost per kWh, (2) stabilize escalation of energy rates, and (3) hedge against the increasing costs of electric service provided by both of the County's retail electric suppliers (Penelec and BREC). The Bedford Solar Project is expected to produce savings of \$5,305,222 in energy costs for the citizens of Bedford County over its 30-year estimated useful life.

B. Benefits of the Proposed Project to Bedford County

15. As stated, the taxpayers of Bedford County would receive substantial benefits from the financial savings created from the Bedford Solar Project. The Bedford County Jail is currently the single largest line item expenditure in the annual Bedford County budget. By significantly reducing the operation and maintenance costs of the Bedford County Jail facility—without requiring increases in taxation on the citizens of Bedford County—the Bedford Solar Project would provide a direct financial benefit to all taxpayers in Bedford County. Moreover, it would lessen the burden on the Commonwealth of Pennsylvania to support Bedford County Jail operations.

16. Virtual net metering of the Bedford Solar Project would enable Bedford County to use the electrical output of the Bedford Solar Project—which will produce electricity in excess of the Bedford County Jail's needs—to offset the electricity used at nearby Bedford County-owned buildings, thereby providing additional financial benefits to all taxpayers in Bedford County.

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17. The Bedford Solar Project is consistent with Pennsylvania's environmental objectives and, more specifically, the encouragement of growth in renewable energy to address climate and sustainability objectives. The development of renewable energy projects has been and continues to be encouraged by financial incentives, legislative changes, and most recently, Pennsylvania Governor Tom Wolf's Executive Order to establish statewide goals to reduce carbon emissions.

18. Financial incentives from the private sector, state and federal grant programs, and a Federal Investment Tax Credit ("ITC") directly support the development of solar generation. As detailed above, the Bedford Solar Project in particular is receiving nearly a third of its funding through a grant from the CFA Solar Energy Program—a grant which may be lost if the relief requested by this [ComplaintPetition](#) is not obtained. While many state and federal grant programs have ended over the past few years, the ITC is still in effect and used by many solar developers and customers. Bedford 58 Solar, LLC successfully captured the 30% ITC in 2019 under the safe harbor rules (the ITC is phasing down in years after 2019) by purchasing all of the solar modules needed for the Project, which are currently being stored on-site at the Bedford County Jail. The PPA under which the Bedford Solar Project is being financed enables Bedford County to achieve cost savings that are made possible by the application of the federal ITC to the Project. (As a unit of government, without the use of the third-party ownership and the PPA, Bedford County would be unable to receive any cost savings resulting from a Project that qualifies for use of the federal ITC. In a sense, the PPA thus allows the Commonwealth's taxpayers to capture back some of the tax these taxpayers pay to the federal government.) Financial incentives make solar assets less costly and reduce the payback, or break-even period,

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29. And rather than using its own actual "avoided costs" as the price for such excess generation during a billing period—which is about seven cents per kWh—BREC uses the avoided costs of its energy supplier, Allegheny Electric Cooperative, which is about 2.5 cents per kWh (*Karsten Affidavit*, ¶ 11), a policy which actually penalizes BREC members for installing renewable energy systems—directly contrary to the state and federal programs and goals recited above.

30. Under Penelec's Net Metering Rider (consistent with Commonwealth law), meter aggregation is permitted only if the other metered locations are located in the same service territory and also located within two miles of the alternative energy system. Bedford County sized the Bedford Solar Project to enable virtual net metering for other County-owned buildings,

all of which, while located within two miles of the Bedford Solar Project, are located in the adjacent Penelec service territory.

31. As described in the Affidavit of Kurt D. Karsten, included as Appendix B, BREC is refusing to interconnect the Bedford Solar Project under the configuration proposed by Bedford County (i.e., with third-party ownership through a PPA and sized to accommodate virtual net metering of other County-owned buildings).

32. The terms under which BREC would interconnect the Bedford Solar Project, under its Net Metering Rider, would result in BREC (and its electric supplier, Allegheny Electric Cooperative) buying only a small amount of the excess output of the Project each month at a rate of 2.5 cents per kWh (while getting as much as 80% of the amount of excess generation for free), far below BREC's retail rate (currently about 10.1 cents per kWh) and its avoided costs (about 7 cents per kWh). (*Karsten Affidavit*, ¶ 12) BREC would thus be making a substantial profit off the Bedford Solar Project, to the detriment of its member, Bedford County, and the citizens of Bedford County who are its taxpayers, who would be denied the substantial economic benefits of the Project described above.

33. The cancellation of the Bedford Solar Project would result in the loss of: (a) the Commonwealth of Pennsylvania CFA grant in the amount of \$900,698.00, (b) the leveraging of the 30% ITC for the benefit of citizens of Pennsylvania, (c) the substantial cost saving benefits to Bedford County and its taxpayers, and (d) 1.7 MW of additional renewable generation located within the Commonwealth, contrary to Pennsylvania's clear environmental and energy policies favoring the development of distributed energy resources and carbon-free generation.

F. The Proposed Solution

34. To enable the Bedford Solar Project to be interconnected and to effect virtual net metering from the Bedford Jail Project to other Bedford County-owned buildings, Bedford County proposes to install one-half mile of distribution line on an abandoned railroad right-of-way from the site of the Bedford Solar Project to the edge of the adjacent service territory of Penelec. No additional easements would be required on land owned by others.

35. Penelec has indicated that it is willing to interconnect the Bedford Solar Project, and to effect virtual net metering of other Bedford County-owned buildings in its service territory. Penelec's net metering tariff sets a 2 MW cap on the size of distributed energy resources, and allows excess generation each month to be carried forward to successive months. Service by Penelec to the Bedford County Jail would also enable the County to actively manage multiple attributes of the Jail's electric consumption, by (a) allowing the Jail's electric generation to be managed by the County's energy consortium provider, PA Public Entity Energy Consortium (PPEEC), (b) enabling the County to take advantage of the programs offered by Penelec pursuant to Act 129, including Phase III utility rebates and future program offerings, (c) giving the County the option of enrolling the Jail's electric account into one, or more, of the Demand Response programs administered by the PJM Interconnection, Inc. ("PJM"), the regional wholesale electric market serving Pennsylvania, and (d) enabling the County to manage its Peak Load Contribution (PLC) and Network Service Peak Load (NSPL) in a manner that would produce long-term benefits in lowering the related miscellaneous charges on its monthly electric invoices.

36. Under the proposed solution, Bedford County and its taxpayers would capture the economic benefits of the Bedford Solar Project: savings of as much as \$5.3 million in energy costs over the 30-year estimated useful life of the Project. And the Commonwealth would benefit

from 1.8 MW of renewable energy, thereby helping to achieve the GHG reduction goals in Governor Wolf's January 2019 Executive Order.

37. Although the point of delivery for service to the Bedford County Jail and interconnection of the Bedford Solar Project would be at the boundary line between BREC and Penelec, because the facility served is located within BREC's service territory, authorization from the Commission under the Territory Act is necessary.

III. Requested Relief

38. As noted above, § 7355(c) of the Territory Law provides:

Correction of inadequate service. If the commission, after hearing, determines that the retail electric service being furnished or proposed to be furnished by a retail electric supplier to an electric-consuming facility is inadequate and is not likely to be made adequate, the commission may authorize another retail electric supplier to furnish retail electric service to that facility.

15 Pa.C.S. § 7355(c)

39. The retail electric service being furnished by BREC to the Bedford County Jail is inadequate. As described in the affidavit of Kurt D. Karsten, BREC refuses to interconnect the Bedford Solar Project as proposed, and refuses to allow a change in electric service providers to Penelec for its member, the Bedford County Jail, even though Bedford County has requested the right to withdraw from its membership in BREC, as provided for in the BREC Bylaws. Even if the Project could be interconnected, the terms under BREC's Net Metering Rider would enrich BREC at the expense of Bedford County taxpayers, and deny its member, Bedford County and the taxpayers of the Commonwealth of Pennsylvania, the economic benefits of the Project.

40. The inadequate retail electric service being furnished by BREC to the Bedford County Jail is not likely to be made adequate. As indicated in Mr. Karsten's affidavit, there is no reason to expect BREC's position on interconnecting the Bedford Solar Project to change. Nor is there any reason to believe that BREC will change the terms of its Net Metering Rider to bring it

in line with legally mandated tariffs of other electric distribution companies in Pennsylvania (i.e., interconnecting distributed energy resources up to 2 MW, allowing excess generation each month to be carried forward on an annual basis, and paying the interconnecting utility's actual avoided cost for any excess generation on the basis of an annual reconciliation).

41. Section 7355(c) of the Territory Law empowers the Commission to grant relief to Bedford County, by authorizing another electric supplier—Penelec—to furnish retail electric service to the affected facility—the Bedford County Jail. Under Bedford County's proposed solution, the Bedford County Jail and the Bedford Solar Project could be interconnected with Penelec at the boundary of Penelec's service territory with BREC's service territory, without the need of obtaining any easements from third party landowners. All interconnection equipment would be located on Bedford County's property.

WHEREFORE, for all of the foregoing reasons, Bedford County respectfully requests that the Commission exercise its authority under § 7355(c) of the Territory Law to find that BREC's retail electric service to the Bedford County Jail is inadequate, and authorize Penelec to furnish retail electric service to such facility, which would enable interconnection of the Bedford Solar Project.

Respectfully submitted,

James M. Van Nostrand
Counsel for Bedford County

Of Counsel
Keyes & Fox LLP
PA Attorney ID No. 327054

Date: September 25th, 2020

APPENDICES

- A. Net Metering Rate Rider for Member-owned Alternative Energy Production Systems
- B. Affidavit of Kurt D. Karsten
- C. Affidavit of Andrew Biederman
- D. Affidavit of Barry Dallara

Debra Brown

From: Commissioner Dallara
Sent: Thursday, September 24, 2020 1:22 PM
To: Kurt Karsten
Subject: Re: BCCF Solar Project

Do u have a contact phone number for Mike Barnes?

Sent from my iPhone

> On Sep 24, 2020, at 11:07 AM, Kurt Karsten <karstenlaw@gmail.com> wrote:

>
> Barry,
>
> Copying in Mike Barnes who is the point person there.
>
> Thanks,
>
> Kurt
>
> Kurt D. Karsten, Esq.
> 621 Ridgely Ave.
> Suite 402
> Annapolis, MD 21401
> 410-991-3184
> KarstenLaw@gmail.com

>> On Sep 24, 2020, at 11:00 AM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

>>
>> Kurt, who is the operational point of contact for RER Energy to communicate with. We are concerned about the condition of the solar project equipment that has been on site for two years.

>>
>> Sent from my iPhone

>> --
>> ExchangeDefender Message Security: Click below to verify authenticity
>> <https://verify.exchangedefender.com/verify.php?id=08OF1uWO029234&from>
>> =cdallara@bedfordcountypa.org

>>
>>
>
>
>

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, September 24, 2020 1:35 PM
To: Commissioner Dallara
Subject: Mike Barnes contact information
Attachments: Barnes_Mike.vcf

Debra Brown

From: Commissioner Dallara
Sent: Thursday, September 24, 2020 2:05 PM
To: mbarnes@reenergygroup.com
Subject: BCCF Solar Project

Mike what time would you be available to discuss our project today or tomorrow?

Sent from my iPhone

Debra Brown

From: Commissioner Dallara
Sent: Thursday, September 24, 2020 2:07 PM
To: Kurt Karsten
Subject: Re: Mike Barnes contact information

Thank u.

Sent from my iPhone

> On Sep 24, 2020, at 1:35 PM, Kurt Karsten <karstenlaw@gmail.com> wrote:

>

>

>

>

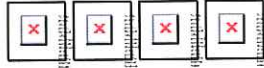
> <Barnes_Mike.vcf>

Debra Brown

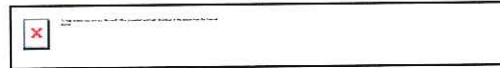
From: Mike Barnes <mbarnes@rerenergygroup.com>
Sent: Thursday, September 24, 2020 2:36 PM
To: Commissioner Dallara
Subject: Re: BCCF Solar Project

Sure thing - how does 1PM tomorrow sound?

**Mike
Barnes**
COO



 717-554-5801
 mbarnes@rerenergygroup.com rerenergygroup.com



Inc 5000 Fastest Growing Private Companies for
Four Consecutive Years

On Thu, Sep 24, 2020 at 1:05 PM Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:
Mike what time would you be available to discuss our project today or tomorrow?

Sent from my iPhone

--

ExchangeDefender Message Security: Click below to verify authenticity

<https://verify.exchangedefender.com/verify.php?id=080I5QjO016242&from=cdallara@bedfordcountypa.org>

Debra Brown

From: Commissioner Dallara
Sent: Thursday, September 24, 2020 4:07 PM
To: Brooks Shoemaker
Cc: Commissioner Lang; Commissioner Baughman; Kurt Karsten
Subject: BCCF Solar Project

I understand you attempted to contact Me on Wednesday September 23,2020. When you were informed that I was not available to take your call, you left me a voice mail message. After reviewing with Atty Kurt Karsten of RER Energy that you had attempted to contact the county regarding the BCCF solar project he advised the following:

The county point of contact with BREC for all communications related to our solar project should be directed to him. His contact information is provided below:

Atty Kurt Karsten
PH: 410-991-3184
Email: KarstenLaw@gmail.com

Sent from my iPhone

Debra Brown

From: Brooks R. Shoemaker <bshoemaker@bedfordrec.com>
Sent: Thursday, September 24, 2020 4:14 PM
To: Commissioner Dallara
Cc: Commissioner Lang; Commissioner Baughman; Kurt Karsten
Subject: Re: BCCF Solar Project

That's an interesting approach Barry, considering that I'm a constituent and the Co-op has been an excellent partner to the country on many fronts, for many years. It further disappoints me that I have not had a conversation about this project with ANY of the three current commissioners. We can certainly proceed in that respect. I'll waste my member's money on attorneys and you can waste the taxpayer's.

Brooks R. Shoemaker, General Manager and CEO
Bedford Rural Electric Cooperative, Inc.
814.624.3800
bshoemaker@bedfordrec.com
www.bedfordrec.com

"If it's worth doing, it's worth doing right. Not just right, but smarter, stronger and faster every time... Always try to find a better way." - Cal Ripken, Jr.

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Thursday, September 24, 2020 4:07:22 PM
To: Brooks Shoemaker <bshoemaker@bedfordrec.com>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>; Kurt Karsten <karstenlaw@gmail.com>
Subject: BCCF Solar Project

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PH: 410-991-3184
Email: KarstenLaw@gmail.com

Sent from my iPhone

--

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<https://verify.exchangedefender.com/verify.php?id=08OK7NB0002438&from=cdallara@bedfordcountypa.org>

Debra Brown

From: Debra Brown
Sent: Thursday, September 24, 2020 4:15 PM
To: Angie Ferguson
Cc: Commissioner Dallara
Subject: FW: BCCF Solar Project

Angie:

If he calls again please let it go to voicemail and I will return his call with the message below.

Deb

-----Original Message-----

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Thursday, September 24, 2020 4:07 PM
To: Brooks Shoemaker <bshoemaker@bedfordrec.com>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>; Kurt Karsten <karstenlaw@gmail.com>
Subject: BCCF Solar Project

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Atty Kurt Karsten
PH: 410-991-3184
Email: KarstenLaw@gmail.com

Sent from my iPhone

Debra Brown

From: Brooks R. Shoemaker <bshoemaker@bedfordrec.com>
Sent: Thursday, September 24, 2020 5:19 PM
To: Commissioner Dallara
Cc: Commissioner Lang; Commissioner Baughman; Kurt Karsten
Subject: Re: BCCF Solar Project

I would also add, that as a taxpayer, I hope that the County is not spending money on legal bills. This situation resulted from a lack of research and preparation. Neither the current or previous board of commissioners are responsible for that lack of preparation.

Brooks R. Shoemaker, General Manager and CEO
Bedford Rural Electric Cooperative, Inc.
814.624.3800
bshoemaker@bedfordrec.com
www.bedfordrec.com

"If it's worth doing, it's worth doing right. Not just right, but smarter, stronger and faster every time... Always try to find a better way." - Cal Ripken, Jr.

From: Brooks R. Shoemaker <bshoemaker@bedfordrec.com>
Sent: Thursday, September 24, 2020 4:14:03 PM
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>; Kurt Karsten <karstenlaw@gmail.com>
Subject: Re: BCCF Solar Project

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Sent: Thursday, September 24, 2020 4:07:22 PM
To: Brooks Shoemaker <bshoemaker@bedfordrec.com>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>; Kurt Karsten <karstenlaw@gmail.com>
Subject: BCCF Solar Project

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Email: KarstenLaw@gmail.com

Sent from my iPhone

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ExchangeDefender Message Security: Click below to verify authenticity

<https://verify.exchangedefender.com/verify.php?id=08OK7NB0002438&from=cdallara@bedfordcountypa.org>

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Friday, September 25, 2020 10:35 AM
To: Commissioner Dallara
Subject: Fwd: BCCF Solar Project

That's an interesting perspective - that BREC has been an excellent partner. That's why they want to make money off the solar array, rather than support their members by deploying cheaper energy for all the members or help the County reduce taxpayer's expenses. It should be an interesting battle, if he ends up choosing to engage it.

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

Begin forwarded message:

From: "Brooks R. Shoemaker" <bshoemaker@bedfordrec.com>
Subject: Re: BCCF Solar Project
Date: September 24, 2020 at 4:14:03 PM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Cc: Commissioner Lang <ilang@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>, Kurt Karsten <karstenlaw@gmail.com>

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From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Thursday, September 24, 2020 4:07:22 PM

To: Brooks Shoemaker <bshoemaker@bedfordrec.com>
Cc: Commissioner Lang <jlang@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>; Kurt Karsten <karstenlaw@gmail.com>
Subject: BCCF Solar Project

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[Email: KarstenLaw@gmail.com](mailto:KarstenLaw@gmail.com)

Sent from my iPhone

--

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Debra Brown

From: Commissioner Dallara
Sent: Friday, September 25, 2020 11:09 AM
To: Kurt Karsten
Subject: Re: BCCF Solar Project

Yes your comments state it perfectly and it appears his adversarial posture has not changed. Kurt I have advised the other commissioners that I think we need to check him locally with a written response signed by us with your approval that summarizes our efforts to date and include the BREC Board members in the distribution. Hopefully we can develop a strategy during our conference call at 3 on Monday.

Sent from my iPhone

On Sep 25, 2020, at 10:34 AM, Kurt Karsten <karstenlaw@gmail.com> wrote:

That's an interesting perspective - that BREC has been an excellent partner. That's why they want to make money off the solar array, rather than support their members by deploying cheaper energy for all the members or help the County reduce taxpayer's expenses. It should be an interesting battle, if he ends up choosing to engage it.

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KarstenLaw@gmail.com

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To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Cc: Commissioner Lang <clang@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>, Kurt Karsten <karstenlaw@gmail.com>

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Sent from my iPhone

--

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<https://verify.exchangedefender.com/verify.php?id=08OK7NB0002438&from=cdallara@bedfordcountypa.org>

Debra Brown

From: Commissioner Dallara
Sent: Monday, September 28, 2020 12:40 PM
To: Debra Brown
Subject: Fwd: Consider addressing the focus of the request more generally

Please print 3 copies, thank you.

Sent from my iPhone

Begin forwarded message:

From: Larry Myers <Larry.Myers@se.com>
Date: September 28, 2020 at 11:08:16 AM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: FW: Consider addressing the focus of the request more generally

A few talking points for your note to BREC.

LFM

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services
larry.myers@se.com

D +1 814.937.7602
Fx +1 814.569.1978 (Bedford)
W www.se.com/us/enable

4431 N. Front Street, Suite 100
Harrisburg, PA 17110
United States



From: Larry Myers
Sent: Saturday, January 18, 2020 6:11 PM
To: Barry L. Dallara - Bedford County (bdallara@bedfordcountypa.org) <bdallara@bedfordcountypa.org>
Subject: Consider addressing the focus of the request more generally

Barry:

After reviewing the draft document that was developed to petition the PUC to weigh in on the County's switch of the Jail's electric service provider from BREC to Penelec, I believe that the focus of the document should be on the larger picture. Yes, the Solar PPA drove the desire for this change, but the change has grander ramifications. See the following comments.

My Observations:

- The Jail is the 2nd largest electric load in the County and is about 50% of the load of the Courthouse. The Courthouse has an annual electric consumption of roughly 1,410,000 KWh. The Jail has an annual electric consumption of roughly 760,000 KWh. (Confirm these numbers because I have 2015 data)
- BREC has reported sales in the May 2017 BREC PennLines periodical of 331,000,000 KWh (the Jail represents 0.23% of that reported total load).
- The County has limited ability to manage its Operating Expenses and desires to take an active management role in controlling variable expenses. Utilities are one of very few expense line items that are not a fixed expenditure.
- BREC's tariff structure limits the County's active management of the Jail's electric utility to:
 - A. limiting the maximum monthly 15-minute KW demand, and
 - B. reducing the monthly energy consumption.
- Penelec's tariff structure allows multiple attributes of the Jail's electric consumption to be actively managed.
- Even with no active management of use patterns, the Penelec GSM tariff results in roughly a \$1,500 per month reduced cost over the existing BREC tariff. Note: This assumes that the Jail is able to receive it's generation from the same supplier and rate as the Courthouse. A comparison of the tariff structures can be made between the Courthouse (PN-GSM tariff) and the Jail (BREC-GCSLP tariff).
- Benefits of the Jail receiving electric service from Penelec as EDC:
 - Ability to shop the Jail's electric generation with the County's energy consortium provider, PA Public Entity Energy Consortium (PPEEC).
 - Ability to take advantage of Act 129, Phase III utility rebates and future programs offered.
 - The County will have the option of enrolling the Jail's electric account into one, or more, of the PJM Demand Response programs.
 - The County will have the ability to manage its Peak Load Contribution (PLC) and Network Service Peak Load (NSPL) which will have long-term effects on the related miscellaneous charges on its monthly Penelec invoices.

This basically covers my thoughts.

Larry

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services
larry.myers@se.com

D +1 814.937.7602
Fx +1 814.569.1978 (Bedford)
W www.enable.schneider-electric.com/

4431 N. Front Street, Suite 100
Harrisburg, PA 17110
United States



****Please consider the environment before printing this email****

Debra Brown

From: Jennifer L. Deitch <JLDeitch@hmslegal.com>
Sent: Tuesday, December 22, 2020 2:55 PM
To: Commissioner Baughman; Commissioner Lang; Commissioner Dallara
Subject: FW: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c); Docket No. P-2020-3022537
Attachments: 2020-12-22 BREC Ltr COS re extension of time.pdf; 2020-12-22 PPUC Confirmation - BREC Ltr, COS re request for extension of time.pdf

Sorry I typed the email addresses wrong. Please see below. Thank you.

From: Jennifer L. Deitch
Sent: Tuesday, December 22, 2020 2:49 PM
To: jvannostrand@keyesfox.com; 'tmccloskey@paoca.org' <tmccloskey@paoca.org>; 'jorevan@pa.gov' <jorevan@pa.gov>; bdallara@bedfordcounty.pa.org; jlang@bedfordcounty.pa.org; dbaughman@bedfordcounty.pa.org; 'rkanaskie@pa.gov' <rkanaskie@pa.gov>; belder@keyesfox.com; tharold@firstenergycorp.com; 'tgiesler@firstenergycorp.com' <tgiesler@firstenergycorp.com>; Kevin J. McKeon (kjmckeon@hmslegal.com) <kjmckeon@hmslegal.com>
Subject: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c); Docket No. P-2020-3022537

Counsel:

Attached please find a Letter on behalf of Bedford Rural Electric Cooperative, Inc. requesting an extension of time to respond to the Petition filed by the Bedford County Board of Commissioners in the above-captioned docket. As indicated on the attached Certificate of Service, only electronic service will be provided at this time.

Sent on behalf of:

Kevin J. McKeon | Hawke McKeon & Sniscak LLP
100 North 10th Street | Harrisburg, PA 17101
Phone: 717.703.0801 | Mobile: 717.497.4961 | Email: kjmckeon@hmslegal.com
<http://www.hmslegal.com/> | Download vCard | LinkedIn Profile

Jennifer L. Deitch
Administrative Assistant

Hawke McKeon & Sniscak LLP
www.hmslegal.com
100 N. Tenth Street
Harrisburg, PA 17101

Direct: 717-703-0818
Office: 717-236-1300
Fax: 717-236-4841
jideitch@hmslegal.com

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NEW IRS RULES RESTRICT WRITTEN FEDERAL TAX ADVICE FROM LAWYERS AND ACCOUNTANTS. THIS STATEMENT IS INCLUDED IN OUTBOUND EMAILS BECAUSE EVEN INADVERTENT VIOLATIONS MAY BE PENALIZED. NOTHING IN THIS MESSAGE IS INTENDED TO BE USED, OR MAY BE USED, TO AVOID ANY PENALTY UNDER FEDERAL TAX LAWS. THIS MESSAGE WAS NOT WRITTEN TO SUPPORT THE PROMOTION OR MARKETING OF ANY TRANSACTION.



ATTORNEYS AT LAW

Kevin J. McKeon
Direct: 717 703-0801
kjmckeon@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

December 22, 2020

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990, Docket No. P-2020-3022537; **REQUEST FOR EXTENSION OF TIME**

Dear Secretary Chiavetta:

The purpose of this letter is to request an extension of time to respond on behalf of Bedford Rural Electric Cooperative, Inc. ("BREC") to the Petition filed by the Bedford County Board of Commissioners at the above-captioned docket. BREC became aware of the Petition for the first time when it was served on December 14, 2020 with Penelec's Answer to the Petition, as set forth in the attached declaration of Brooks R. Shoemaker, General Manager and CEO of BREC.

Given the holidays we respectfully request an extension of time to file the response until January 22, 2020.

If you have questions concerning this request, please contact me at the above number or at 717 497 4961.

Respectfully,

Kevin J. McKeon
*Counsel for Bedford Rural Electric
Cooperative, Inc.*

KJM/jld
Enclosure
cc: Per Certificate of Service

**Declaration of Brooks R. Shoemaker,
General Manager and CEO of Bedford Rural Electric
Cooperative, Inc.**

I, Brooks R. Shoemaker, state as follows:

1. I am General Manager and CEO of Bedford Rural Electric Cooperative, Inc., (BREC) and I am authorized to make this declaration on its behalf.
2. On December 14, 2020, I received a copy of the Answer of Pennsylvania Electric Company to the Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990 (Petition) at Docket No. P-2020-3022537 (Penelec Answer).
3. Until I received Penelec's Answer, I was unaware that the Petition had been filed with the Pennsylvania Public Utility Commission (Commission).
4. The Petitioners had provided me a copy of a complaint similar to the Petition in September, 2020, but it was my understanding that the Commission had refused to docket the complaint as filed.
5. Neither I nor BREC received the Petition or any other document in the matter by email, U.S. mail, or any other method of service, until I received Penelec's Answer on December 14, 2020.
6. After receiving Penelec's answer, BREC retained counsel to represent BREC in this matter.
7. Through counsel, BREC attempted to obtain an extension of time to respond to the Petition.
8. I am informed that Petitioners declined to agree to an extension of time for BREC to respond.
9. BREC desires to respond to the Petition, and needs a reasonable amount of time to do so.

10. BREC's rights will be prejudiced if it is not permitted to respond to the Petition and to have a reasonable amount of time to do so.

I declare under penalty of perjury that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



Brooks R. Shoemaker
General Manager & CEO
Bedford Rural Electric Cooperative, Inc.
814.624.3800
bshoemaker@bedfordrec.com
www.bedfordrec.com

Dated: December 22, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party)

VIA ELECTRONIC MAIL ONLY

James M. Van Nostrand
Keyes & Fox LLP
320 Ft. Duquesne Blvd., #15K
Pittsburgh, PA 15222-1126
jvannostrand@keyesfox.com

Tanya J. McCloskey
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
tmccloskey@paoca.org

John R. Evans
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101-1923
jorevan@pa.gov

Barry Dallara, Josh Lang & Deb Baughman
Board of Commissioners of Bedford County
200 S. Juliana Street, 3rd Floor
Suite 101
Bedford, PA 15522
bdallara@bedfordcounty.pa.org
jlang@bedfordcounty.pa.org
dbaughman@bedfordcounty.pa.org

Richard Kanaskie, Esquire
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120
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Blake Elder
Keyes & Fox LLP
1155 Kildaire Farm Road, Suite 203
Cary, NC 27511
belder@keyesfox.com

Teresa K. Harrold
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-6001
tharrold@firstenergycorp.com
tgiesler@firstenergycorp.com



DATED: December 22, 2020

Kevin J. McKeon



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

Date Created	Filing Number
12/22/2020	1971875

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

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Docket Number: P-2020-3022537

Case Description: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990

Transmission Date: 12/22/2020 2:37 PM

Filed On: 12/22/2020 2:37 PM

eFiling Confirmation Number: 1971875

File Name	Document Type	Upload Date
2020-12-22 BREC Ltr COS re extension of time.pdf	Letter	12/22/2020 2:36:08 PM

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December 22, 2020

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bshoemaker@bedfordrec.com
www.bedfordrec.com

Dated: December 22, 2020

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DATED: December 22, 2020

Kevin J. McKeon



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
 Harrisburg, PA 17105-3265
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Debra Brown

From: Commissioner Dallara
Sent: Tuesday, December 22, 2020 2:58 PM
To: Kurt Karsten
Cc: Commissioner Lang; Commissioner Baughman; dcrabtree.kclaw@comcast.net
Subject: Fwd: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c); Docket No. P-2020-3022537
Attachments: 2020-12-22 BREC Ltr COS re extension of time.pdf; 2020-12-22 PPUC Confirmation - BREC Ltr, COS re request for extension of time.pdf

Kurt please advise the status of our petition in light of this petition for relief.

Sent from my iPhone

Begin forwarded message:

From: "Jennifer L. Deitch" <JLDeitch@hmslegal.com>
Date: December 22, 2020 at 2:54:59 PM EST
To: Commissioner Baughman <dbaughman@bedfordcountypa.org>, Commissioner Lang <jlang@bedfordcountypa.org>, Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: FW: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c); Docket No. P-2020-3022537

Sorry I typed the email addresses wrong. Please see below. Thank you.

From: Jennifer L. Deitch
Sent: Tuesday, December 22, 2020 2:49 PM
To: jvannostrand@keyesfox.com; 'tmccloskey@paoca.org' <tmccloskey@paoca.org>; 'jorevan@pa.gov' <jorevan@pa.gov>; bdallara@bedfordcounty.pa.org; jlang@bedfordcounty.pa.org; dbaughman@bedfordcounty.pa.org; 'rkanaskie@pa.gov' <rkanaskie@pa.gov>; belder@keyesfox.com; tharrold@firstenergycorp.com; 'tgiesler@firstenergycorp.com' <tgiesler@firstenergycorp.com>; Kevin J. McKeon (kjmckeon@hmslegal.com) <kjmckeon@hmslegal.com>
Subject: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c); Docket No. P-2020-3022537

Counsel:

Attached please find a Letter on behalf of Bedford Rural Electric Cooperative, Inc. requesting an extension of time to respond to the Petition filed by the Bedford County Board of Commissioners in the above-captioned docket. As indicated on the attached Certificate of Service, only electronic service will be provided at this time.

Sent on behalf of:

Kevin J. McKeon | Hawke McKeon & Sniscak LLP
100 North 10th Street | Harrisburg, PA 17101
Phone: 717.703.0801 | Mobile: 717.497.4961 | Email: kjmckeon@hmslegal.com
<http://www.hmslegal.com/> | Download vCard | LinkedIn Profile

Jennifer L. Deitch
Administrative Assistant

Hawke McKeon & Sniscak LLP
www.hmslegal.com
100 N. Tenth Street
Harrisburg, PA 17101
Direct: 717-703-0818
Office: 717-236-1300
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December 22, 2020

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814.624.3800
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Dated: December 22, 2020

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2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-6001
tharrold@firstenergycorp.com
tgiesler@firstenergycorp.com



DATED: December 22, 2020

Kevin J. McKeon

Debra Brown

From: Commissioner Dallara
Sent: Monday, January 11, 2021 10:17 AM
To: Debra Brown
Subject: Phone number for Kurt Karsten

Deb please text me a phone number for Kurt Karsten I list it when we deleted all my emails.

Sent from my iPhone

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, January 11, 2021 11:29 AM
To: Commissioner Dallara
Subject: Re: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c); Docket No. P-2020-3022537

Commissioner Dallara,

I will reach you as soon as I can. My brother passed unexpectedly last Wednesday, and I am caught up in the picking up the pieces there for his daughter (her mother died a few years ago) and planning the funeral services for this weekend. I should be able to call you this afternoon, and will do so as soon as I can.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Jan 11, 2021, at 9:40 AM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

Kurt, please call me ASAP. Thank you.
Sent from my iPhone

Begin forwarded message:

From: "Jennifer L. Deitch" <JLDeitch@hmslegal.com>
Date: January 11, 2021 at 9:26:36 AM EST
To: jvannostrand@keyesfox.com, tmccloskey@paoca.org, jorevan@pa.gov, Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Lang <clang@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>, rkanaskie@pa.gov, belder@keyesfox.com, bshoemaker@bedfordrec.com, tharold@firstenergycorp.com, tgiesler@firstenergycorp.com, Kevin McKeon <KJMckeon@hmslegal.com>
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Counsel:

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Kevin J. McKeon | Hawke McKeon & Sniscak LLP
100 North 10th Street | Harrisburg, PA 17101
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Jennifer L. Deitch
Administrative Assistant

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ExchangeDefender Message Security: [Check Authenticity](#)

<2021-01-11 BREC Answer to Bedford County Board of Commissioner's Petition.pdf><2021-01-11 PPUC Confirmation-BREC Answer to Bedford County Board of Commissioner's Petition.pdf>



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265
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Debra Brown

From: Commissioner Dallara
Sent: Monday, January 11, 2021 12:18 PM
To: Kurt Karsten
Subject: Re: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c); Docket No. P-2020-3022537

Thank you Kurt, if I miss your call I will return it as soon as possible today.

Sent from my iPhone

On Jan 11, 2021, at 11:29 AM, Kurt Karsten <karstenlaw@gmail.com> wrote:

Commissioner Dallara,

I will reach you as soon as I can. My brother passed unexpectedly last Wednesday, and I am caught up in the picking up the pieces there for his daughter (her mother died a few years ago) and planning the funeral services for this weekend. I should be able to call you this afternoon, and will do so as soon as I can.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Jan 11, 2021, at 9:40 AM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

Kurt, please call me ASAP. Thank you.
Sent from my iPhone

Begin forwarded message:

From: "Jennifer L. Deitch" <JLDeitch@hmslegal.com>
Date: January 11, 2021 at 9:26:36 AM EST
To: jvannostrand@keyesfox.com, tmccloskey@paoca.org, jorevan@pa.gov,
Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Lang
<jlang@bedfordcountypa.org>, Commissioner Baughman

<dbaughman@bedfordcountypa.org>, rkanaskie@pa.gov, belder@keyesfox.com,
, bshoemaker@bedfordrec.com, tharold@firstenergycorp.com, tgiesler@firstenergycorp.com, Kevin McKeon <KJMckeon@hmslegal.com>

Subject: Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c); Docket No. P-2020-3022537

Counsel:

Attached please find the Answer of Bedford Rural Electric Cooperative, Inc. in Opposition to the Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990 in the above-captioned docket. As indicated on the attached Certificate of Service, only electronic service will be provided at this time.

Sent on behalf of:

Kevin J. McKeon | Hawke McKeon & Sniscak LLP

100 North 10th Street | Harrisburg, PA 17101

Phone: 717.703.0801 | Mobile: 717.497.4961

| Email: kjmckeon@hmslegal.com

<http://www.hmslegal.com/> | Download vCard | LinkedIn Profile

Jennifer L. Deitch

Administrative Assistant

Hawke McKeon & Sniscak LLP

www.hmslegal.com

100 N. Tenth Street

Harrisburg, PA 17101

Direct: 717-703-0818

Office: 717-236-1300

Fax: 717-236-4841

jldeitch@hmslegal.com

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ExchangeDefender Message Security: [Check Authenticity](#)

<2021-01-11 BREC Answer to Bedford County Board of Commissioner's
Petition.pdf><2021-01-11 PPUC Confirmation-BREC Answer to Bedford County Board of
Commissioner's Petition.pdf>

Debra Brown

From: Commissioner Dallara
Sent: Monday, January 25, 2021 7:52 PM
To: KarstenLaw@gmail.com
Cc: Commissioner Baughman; Commissioner Lang
Subject: BCCF Solar Project Status

Kurt, please provide the board of commissioners with an update of RER Energy's plan for the BCCF Solar project. We understand that RER s petitioned the PUC to allow Bedford County to withdraw from BREC's service area and be approved to be included in Penelec's Service Area. We also know that BREC has filed a brief with the PUC to deny our request. Please advise the county what the next actions RER Energy will take to insure the successful completion of our solar project and when we might expect a decision by the PUC.

Sent from my iPhone

Debra Brown

From: Commissioner Dallara
Sent: Monday, January 25, 2021 7:52 PM
To: KarstenLaw@gmail.com
Cc: Commissioner Baughman; Commissioner Lang
Subject: BCCF Solar Project Status

Kurt, please provide the board of commissioners with an update of RER Energy's plan for the BCCF Solar project. We understand that RER s petitioned the PUC to allow Bedford County to withdraw from BREC's service area and be approved to be included in Penelec's Service Area. We also know that BREC has filed a brief with the PUC to deny our request. Please advise the county what the next actions RER Energy will take to insure the successful completion of our solar project and when we might expect a decision by the PUC.

Sent from my iPhone

Debra Brown

From: Larry Myers <Larry.Myers@se.com>
Sent: Wednesday, February 10, 2021 1:49 PM
To: Commissioner Baughman; Commissioner Dallara
Cc: Rachel Papuga
Subject: Consider addressing the focus of the request more generally

Commissioners Baughman and Dallara:

Thank you for the opportunity to update you regarding the Alleghenies Broadband, Inc activities and future direction. I trust that you found this information valuable and that you remain confident in our ability to deliver improved internet access to Bedford County residents as well as our neighboring communities. We look forward to additional opportunities to keep you 'in the loop' of the future direction of our efforts.

I have found the email that Barry had referenced regarding the application of solar at the Jail. Some good talking points were provided by me about 1 year ago. Please see them below. Additionally, I have reviewed more recent BREC invoicing information for the Jail electric consumption. It appears that the annual electric consumption at the Jail is roughly 590,000 KWh. The latest load information that I have found published by BREC indicates that their 2018 CY load was 387,000,000 KWh (BREC Pennlines May 2019 periodical). Therefore, based upon these data, **the Jail represents 0.15% of the BREC service load.** (I had previously had data from 2015 – prior to the energy project at the Jail).

I hope you find this helpful.

Sincerely,
Larry

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services
larry.myers@se.com

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Fx +1 814.569.1978 (Bedford)
W www.se.com/us/enable

138 Arandale Street
Bedford, PA 15522
United States



From: Larry Myers
Sent: Saturday, January 18, 2020 6:11 PM
To: Barry L. Dallara - Bedford County (bdallara@bedfordcountypa.org) <bdallara@bedfordcountypa.org>
Subject: Consider addressing the focus of the request more generally

Barry:

After reviewing the draft document that was developed to petition the PUC to weigh in on the County's switch of the Jail's electric service provider from BREC to Penelec, I believe that the focus of the document should be on the larger

picture. Yes, the Solar PPA drove the desire for this change, but the change has grander ramifications. See the following comments.

My Observations:

- The Jail is the 2nd largest electric load in the County and is about 50% of the load of the Courthouse. The Courthouse has an annual electric consumption of roughly 1,410,000 KWh. The Jail has an annual electric consumption of roughly 760,000 KWh. (Confirm these numbers because I have 2015 data)
- BREC has reported sales in the May 2017 BREC PennLines periodical of 331,000,000 KWh (the Jail represents 0.23% of that reported total load).
- The County has limited ability to manage its Operating Expenses and desires to take an active management role in controlling variable expenses. Utilities are one of very few expense line items that are not a fixed expenditure.
- BREC's tariff structure limits the County's active management of the Jail's electric utility to:
 - A. limiting the maximum monthly 15-minute KW demand, and
 - B. reducing the monthly energy consumption.
- Penelec's tariff structure allows multiple attributes of the Jail's electric consumption to be actively managed.
- Even with no active management of use patterns, the Penelec GSM tariff results in roughly a \$1,500 per month reduced cost over the existing BREC tariff. Note: This assumes that the Jail is able to receive it's generation from the same supplier and rate as the Courthouse. A comparison of the tariff structures can be made between the Courthouse (PN-GSM tariff) and the Jail (BREC-GCSLP tariff).
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 - The County will have the option of enrolling the Jail's electric account into one, or more, of the PJM Demand Response programs.
 - The County will have the ability to manage its Peak Load Contribution (PLC) and Network Service Peak Load (NSPL) which will have long-term effects on the related miscellaneous charges on its monthly Penelec invoices.

This basically covers my thoughts.

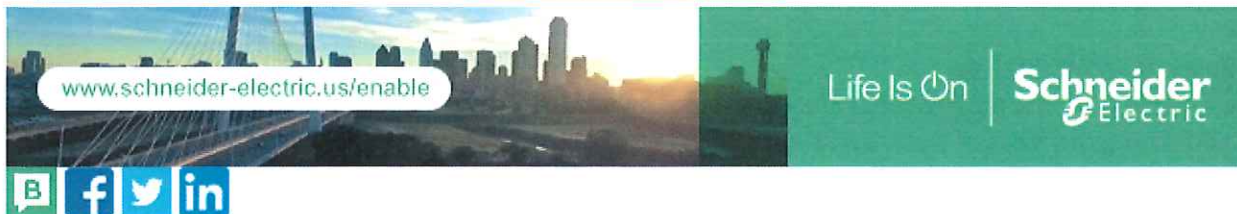
Larry

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larry.myers@se.com

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W www.enable.schneider-electric.com/

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Harrisburg, PA 17110
United States



****Please consider the environment before printing this email****

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, February 10, 2021 5:49 PM
To: Larry Myers
Subject: Re: Consider addressing the focus of the request more generally

Larry, does that mean the BCCF is less than 1% of BREC's total load,

Sent from my iPhone

On Feb 10, 2021, at 1:49 PM, Larry Myers <Larry.Myers@se.com> wrote:

Commissioners Baughman and Dallara:

Thank you for the opportunity to update you regarding the Alleghenies Broadband, Inc activities and future direction. I trust that you found this information valuable and that you remain confident in our ability to deliver improved internet access to Bedford County residents as well as our neighboring communities. We look forward to additional opportunities to keep you 'in the loop' of the future direction of our efforts.

I have found the email that Barry had referenced regarding the application of solar at the Jail. Some good talking points were provided by me about 1 year ago. Please see them below. Additionally, I have reviewed more recent BREC invoicing information for the Jail electric consumption. It appears that the annual electric consumption at the Jail is roughly 590,000 KWh. The latest load information that I have found published by BREC indicates that their 2018 CY load was 387,000,000 KWh (BREC Pennlines May 2019 periodical). Therefore, based upon these data, **the Jail represents 0.15% of the BREC service load.** (I had previously had data from 2015 – prior to the energy project at the Jail).

I hope you find this helpful.

Sincerely,
Larry

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138 Arandale Street
Bedford, PA 15522
United States

<image006.jpg>

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<image009.gif>

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From: Larry Myers

Sent: Saturday, January 18, 2020 6:11 PM

To: Barry L. Dallara - Bedford County (bdallara@bedfordcountypa.org)

[<bdallara@bedfordcountypa.org>](mailto:bdallara@bedfordcountypa.org)

Subject: Consider addressing the focus of the request more generally

Barry:

After reviewing the draft document that was developed to petition the PUC to weigh in on the County's switch of the Jail's electric service provider from BREC to Penelec, I believe that the focus of the document should be on the larger picture. Yes, the Solar PPA drove the desire for this change, but the change has grander ramifications. See the following comments.

My Observations:

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This basically covers my thoughts.

Larry

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<image005.gif>

****Please consider the environment before printing this email****

Debra Brown

From: Larry Myers <Larry.Myers@se.com>
Sent: Wednesday, February 10, 2021 6:05 PM
To: Commissioner Dallara
Subject: RE: Consider addressing the focus of the request more generally

Yes, it is just over one-tenth of one percent (0.15%).

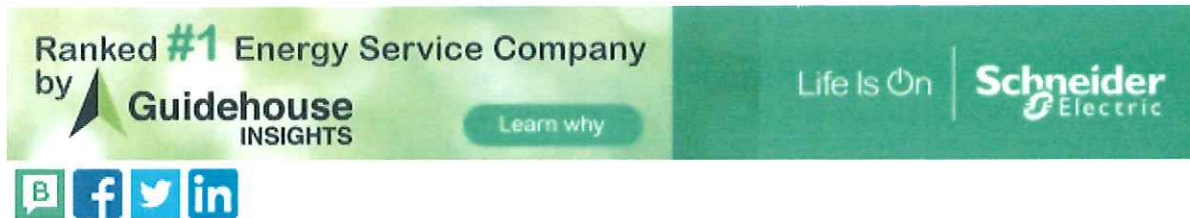
Larry

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United States



From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Wednesday, February 10, 2021 5:49 PM
To: Larry Myers <Larry.Myers@se.com>
Subject: Re: Consider addressing the focus of the request more generally

[External email: Use caution with links and attachments]

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Sent from my iPhone

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I hope you find this helpful.

Sincerely,
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From: Larry Myers

Sent: Saturday, January 18, 2020 6:11 PM

To: Barry L. Dallara - Bedford County (bdallara@bedfordcountypa.org)

<bdallara@bedfordcountypa.org>

Subject: Consider addressing the focus of the request more generally

Barry:

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This basically covers my thoughts.

Larry

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Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Wednesday, March 3, 2021 1:35 PM
To: Debra Brown
Cc: Commissioner Dallara
Subject: Re: Meeting

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Debra,

Sorry for the slow reply - in addition to everything else there have been a few things developing that I thought it would be most efficient for everyone if I could clarify on them before having a meeting that takes up the Commissioner's time.

I will send the Commissioner another email in a minute but next week would be good on either Tuesday or Wednesday between 1 pm - 5 pm?

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Feb 25, 2021, at 3:34 PM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Afternoon Sir:

Commissioner Dallara has requested I reach out to you to set up a meeting regarding the Solar Project. Could you please give me a few dates that work for a meeting with them, thanks.

Debra

Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807

Fax: 814-623-0991

ExchangeDefender Message Security: [Check Authenticity](#)

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, March 4, 2021 2:45 PM
To: Debra Brown
Cc: Angie Ferguson; Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: Re: Karsten Teleconference Call

Thanks, I'll be there.

On Thu, Mar 4, 2021 at 2:42 PM Debra Brown <DBrown@bedfordcountypa.org> wrote:

Call in number: 814-624-2660 ID: 2700# Passcode: 2700#

--

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, March 9, 2021 1:20 PM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: Re: Electric Bills

Thanks Debra. Is there a way to move our phone conversation tomorrow either earlier or later in the day? I just got scheduled for my first COVID vaccine dose at 3:15 tomorrow.

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Mar 9, 2021, at 11:15 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Morning Sir:

Please see attached bills as per your request.

Debraq

*Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991*

<Electric Bills.pdf>

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, March 11, 2021 1:39 PM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick; Sally Wetzel
Subject: Re: Electric Bills

Debra,

Thank you for these bills. I note that one of them is in West Penn Territory, so that meter can't be offset. I need to somehow confirm that the physical location of each meter on these bills is physically located within a two mile radius of the reservoir at which this part of the array would be located. Who would be a good person at Bedford County to speak with in order to confirm that issue? Can you provide me with a map that shows the physical location of each of these meters?

Thanks!

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

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Debraq

*Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991*

<Electric Bills.pdf>

Debra Brown

From: Commissioner Dallara
Sent: Thursday, March 11, 2021 1:40 PM
To: Kurt Karsten
Cc: Debra Brown; Commissioner Baughman; Commissioner Frederick; Sally Wetzel
Subject: Re: Electric Bills

Larry Myers

Sent from my iPhone

On Mar 11, 2021, at 1:39 PM, Kurt Karsten <karstenlaw@gmail.com> wrote:

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Thank you for these bills. I note that one of them is in West Penn Territory, so that meter can't be offset. I need to somehow confirm that the physical location of each meter on these bills is physically located within a two mile radius of the reservoir at which this part of the array would be located. Who would be a good person at Bedford County to speak with in order to confirm that issue? Can you provide me with a map that shows the physical location of each of these meters?

Thanks!

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
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410-991-3184
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Good Morning Sir:

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Debraq

*Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522*

Email: dbrown@bedfordcountypa.org

Phone: 814-623-4807

Fax: 814-623-0991

<Electric Bills.pdf>

Debra Brown

From: Debra Brown
Sent: Thursday, March 11, 2021 1:44 PM
To: Tracey Snyder
Cc: Tammy Lashinsky
Subject: FW: Electric Bills

Hi Tracey:

This is something you may have to work with Tammy in 911 on. I do not have a clue where these places are located.

Deb

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Thursday, March 11, 2021 1:40 PM
To: Kurt Karsten <karstenlaw@gmail.com>
Cc: Debra Brown <DBrown@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>; Sally Wetzel <swetzel@sunvestmentgroup.com>
Subject: Re: Electric Bills

Larry Myers

Sent from my iPhone

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Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
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Fax: 814-623-0991

<Electric Bills.pdf>

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, March 11, 2021 1:58 PM
To: larry.myers@se.com
Cc: Debra Brown; Sally Wetzel; Commissioner Dallara
Subject: Re: Electric Bills

Larry,

Commissioner Dallara has referred me to you concerning a couple of questions about the Bedford Jail project that RER Energy Group, LLC is working on.

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Any information you might be able to provide on those questions would be greatly appreciated!

Thanks!

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Mar 11, 2021, at 1:40 PM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

Larry Myers

Sent from my iPhone

On Mar 11, 2021, at 1:39 PM, Kurt Karsten <karstenlaw@gmail.com> wrote:

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<DBrown@bedfordcountypa.org> wrote:

Good Morning Sir:

Please see attached bills as per your request.

Debraq

Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991

<Electric Bills.pdf>

Debra Brown

From: Larry Myers <Larry.Myers@se.com>
Sent: Thursday, March 11, 2021 2:12 PM
To: Kurt Karsten
Cc: Debra Brown; Sally Wetzel; Commissioner Dallara
Subject: RE: Electric Bills

Thanks Kurt. I have passed the specific Qs on to Barb Diehl, Borough Manager. She would have the resources to answer your questions.

Larry

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services
larry.myers@se.com

D +1 814.937.7602
Fx +1 814.569.1978 (Bedford)
W www.se.com/us/enable

138 Arandale Street
Bedford, PA 15522
United States



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Sent: Thursday, March 11, 2021 1:58 PM
To: Larry Myers <Larry.Myers@se.com>
Cc: Debra Brown <DBrown@bedfordcountypa.org>; Sally Wetzel <swetzel@sunvestmentgroup.com>; Commissioner Dallara <cdallara@bedfordcountypa.org>
Subject: Re: Electric Bills

[External email: Use caution with links and attachments]

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<image001.jpg>

<image002.gif> <image003.gif> <image004.gif> <image005.gif>

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Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, April 19, 2021 1:14 PM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick; Andrew Biederman
Subject: Re: Electric Bills

Debra,

Would you please also provide the bills for the Bedford County Jail electricity accounts (from BREC)? We wanted to confirm that the energy usage profile at the Jail is still about the same as in 2019, when we last had seen that data.

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<Electric Bills.pdf>

Debra Brown

From: Debra Brown
Sent: Monday, April 19, 2021 1:25 PM
To: Tracey Snyder; Linda Klotz
Subject: FW: Electric Bills

Good Afternoon:

Please see email thread below, and provide this information to him. If you would cc me and the commissioners, I would appreciate it.

Deb

From: Kurt Karsten <karstenlaw@gmail.com>
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To: Debra Brown <DBrown@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>; Andrew Biederman <abiederman@reenergygroup.com>
Subject: Re: Electric Bills
Importance: High

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Debra Brown

From: Debra Brown
Sent: Thursday, April 29, 2021 12:13 PM
To: Commissioner Dallara
Subject: FW: Electric Bills

Barry:

This was sent to Finance on April 19, 2021, see my message to them.

Deb

From: Debra Brown
Sent: Monday, April 19, 2021 1:25 PM
To: Tracey Snyder <t snyder@bedfordcountypa.org>; Linda Klotz <l klotz@bedfordcountypa.org>
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Debra Brown

Full Name: Kurt Karsten
Last Name: Karsten
First Name: Kurt
Job Title: Esquire
Company: Karsten Law

Mobile: (410) 991-3184

Email: KarstenLaw@gmail.com
Email Display As: KarstenLaw@gmail.com

Wednesday, June 30, 2021 10:09 AM

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Wednesday, June 30, 2021 5:23 PM
To: Commissioner Dallara
Subject: Re: call

Commissioner Dallara,

I attempted to call Debra earlier but the call would not go through, and when I tried again just now, I got the message that the office was closed.

I am sorry I have not been able to provide a recent update on this project, but several factors have conspired to make that difficult, in addition to some personal family issues I have been dealing with. As you may know, the delayed impacts of COVID on the economy have included a dramatic increase in materials costs and a dramatic decrease in the availability of materials and labor for construction across almost all industries. The solar industry is no exception. The price of steel, copper, and electrical components over the past 6 months have caused many projects to be greatly postponed or abandoned. Some materials are simply not available for at least the next 6-12 months. RER Energy Group LLC has been dealing with these issues on many of its projects, and while these issues have not directly impacted the Bedford County project which is not yet in construction, it has been a significant factor in the planning process for the Bedford County project, since there has not been any visibility into when these cost factors might return to a reasonable level. For some products needed to construct a solar array, we are seeing prices that are 4-5 times historical values. Those prices are unsustainable for the industry.

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As a result of the stalemate and the slowness of the PUC docket, we have been having discussions with BREC about settling the Petition, just so that the project might move forward. As you know, the Borough of Bedford has indicated a willingness to lease land near their reservoir site for the purposes of building a project to serve Bedford County's Pennelec supplied locations. We have been doing diligence evaluations on those areas and proceeding with designs for that kind of system, which would mean that the array that would be built at the Jail location would be smaller, and would need to be at a size mutually agreed upon by RER and BREC. So far, BREC has not indicated a willingness to allow an array larger than 200 KW, but those settlement discussions are on-going.

However, should an acceptable deal with BREC and the Borough be struck tomorrow, the current price and availability of the commodities necessary to construct a solar array are highly volatile, and an actual construction timeline is exceptionally difficult to predict. Labor shortages, as well, are making developing a construction schedule exceptionally difficult to predict.

On a weekly call to discuss several projects, including the Bedford projects, this morning, after a thorough review of the factors, RER re-committed to building this project, despite the above mentioned issues, even if the size of the project to be built at the Jail had to be strictly in compliance with the existing BREC net-meter tariff (200 KW) that BREC was previously willing to overlook when they provided an interconnection study for a 1.8 MW project. RER's commitment is dependent upon getting adequate area for a nominal lease value at the Borough reservoir site to build an array large enough to offset the Bedford County Pennelec usage, and the Borough has provided several areas that RER's developers have visited and have evaluated and found to be potentially good locations. That commitment also assumes that commodity prices do not suffer any further price increases and that labor shortages begin to ease. Based upon all of those assumptions, RER will actually be building the project at a significant loss, however, they intend to stand by their commitment to build the project, if possible, and today, as stated, they re-committed to this project upon the above assumptions.

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Please let me know if this provides the update requested or if any more details are needed.

Thanks,

Kurt

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410-991-3184
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On Jun 30, 2021, at 10:07 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Morning Mr. Karsten:

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Fax: 814-623-0991

Debra Brown

From: Commissioner Dallara
Sent: Wednesday, June 30, 2021 6:10 PM
To: Commissioner Baughman; Commissioner Frederick
Cc: Debra Brown
Subject: Fwd: call

Fyi

Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: June 30, 2021 at 5:22:36 PM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>
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Debra Brown

From: Commissioner Dallara
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To: Kurt Karsten
Subject: Re: call

Kurt, thank you for the update. This has been a very frustrating project to say the least. Please advise our chief clerk of a couple dates and times the commissioners could have a conference call with you, while I appreciate the information we are very disenchanted with BREC and it's CEO's arrogant behavior towards our project. When we can conduct the conference call I'm sure we will have numerous questions regarding what we can do to expedite the project.

Sent from my iPhone

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As a result of the stalemate and the slowness of the PUC docket, we have been having discussions with BREC about settling the Petition, just so that the project might move forward. As you know, the Borough of Bedford has indicated a willingness to lease land near their reservoir site for the purposes of building a project to serve Bedford County's Pennelec supplied locations. We have been doing diligence evaluations on those areas and proceeding with designs for that kind of system, which would mean that the array that would be built at the Jail location would be smaller, and would need to be at a size mutually agreed upon by RER and BREC. So far, BREC has not indicated a willingness to allow an array larger than 200 KW, but those settlement discussions are on-going.

However, should an acceptable deal with BREC and the Borough be struck tomorrow, the current price and availability of the commodities necessary to construct a solar array are highly volatile, and an actual construction timeline is exceptionally difficult to predict. Labor shortages, as well, are making developing a construction schedule exceptionally difficult to predict.

On a weekly call to discuss several projects, including the Bedford projects, this morning, after a thorough review of the factors, RER re-committed to building this project, despite the above mentioned issues, even if the size of the project to be built at the Jail had to be strictly in compliance with the existing BREC net-meter tariff (200 KW) that BREC was previously willing to overlook when they provided an interconnection study for a 1.8 MW project. RER's commitment is dependent upon getting adequate area for a nominal lease value at the Borough reservoir site to build an array large enough to offset the Bedford County Pennelec usage, and the Borough has provided several areas that RER's developers have visited and have evaluated and found to be potentially good locations. That commitment also assumes that commodity prices do not suffer any further price increases and that labor shortages begin to ease. Based upon all of those assumptions, RER will actually be building the project at a significant loss, however, they intend to stand by their commitment to build the project, if possible, and today, as stated, they re-committed to this project upon the above assumptions.

I hope that provides a useful update on the status of the project. I will be moving forward with putting in place a lease with the Borough of Bedford in the next couple of weeks for land for this array and RER will begin the interconnection and permitting process for that land. At the same time, it is our goal to resolve the PUC Petition as quickly as is reasonably possible, if we can, to allow for the largest sized array possible at the Bedford Jail Location. We are looking at the possibility of a battery solution there to augment the energy provided by the solar array, though batteries continue to be expensive and often challenging to permit with the Utilities involved.

Please let me know if this provides the update requested or if any more details are needed.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

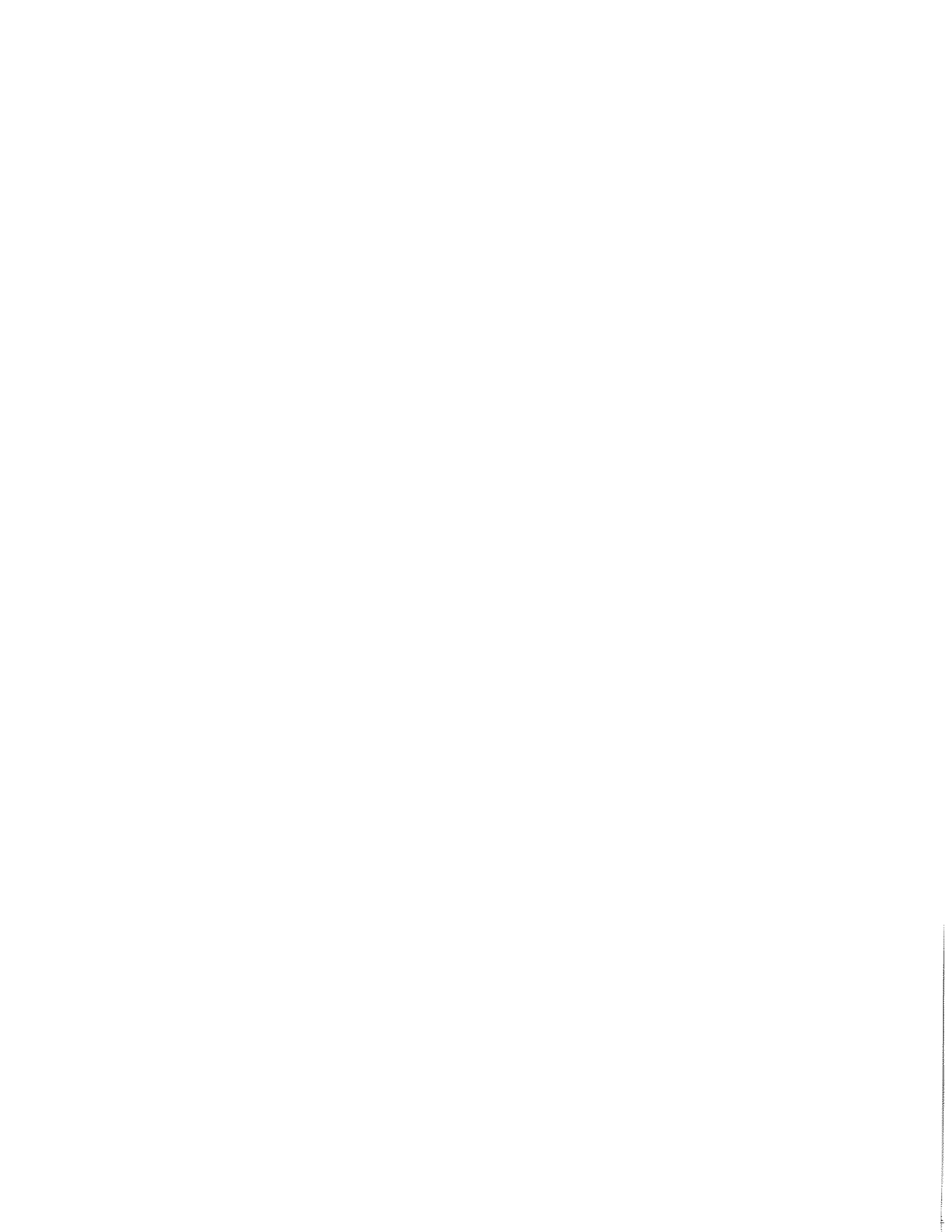
On Jun 30, 2021, at 10:07 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Morning Mr. Karsten:

Commissioner Dallara has been trying to contact you via phone, it is very important that he speak with you today if possible. Could you please contact our office at 814-623-4807. I would appreciate it.

Debra

*Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991*



Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, August 26, 2021 1:06 PM
To: Jamie Van Nostrand
Cc: Jim Kurtz; Commissioner Dallara; Commissioner Baughman; Commissioner Frederick
Subject: Re: Termination of Engagement
Attachments: Draft Stipulation of Facts Revised 08.26.21.docx; ATT00001.htm

Follow Up Flag: Flag for follow up
Flag Status: Flagged

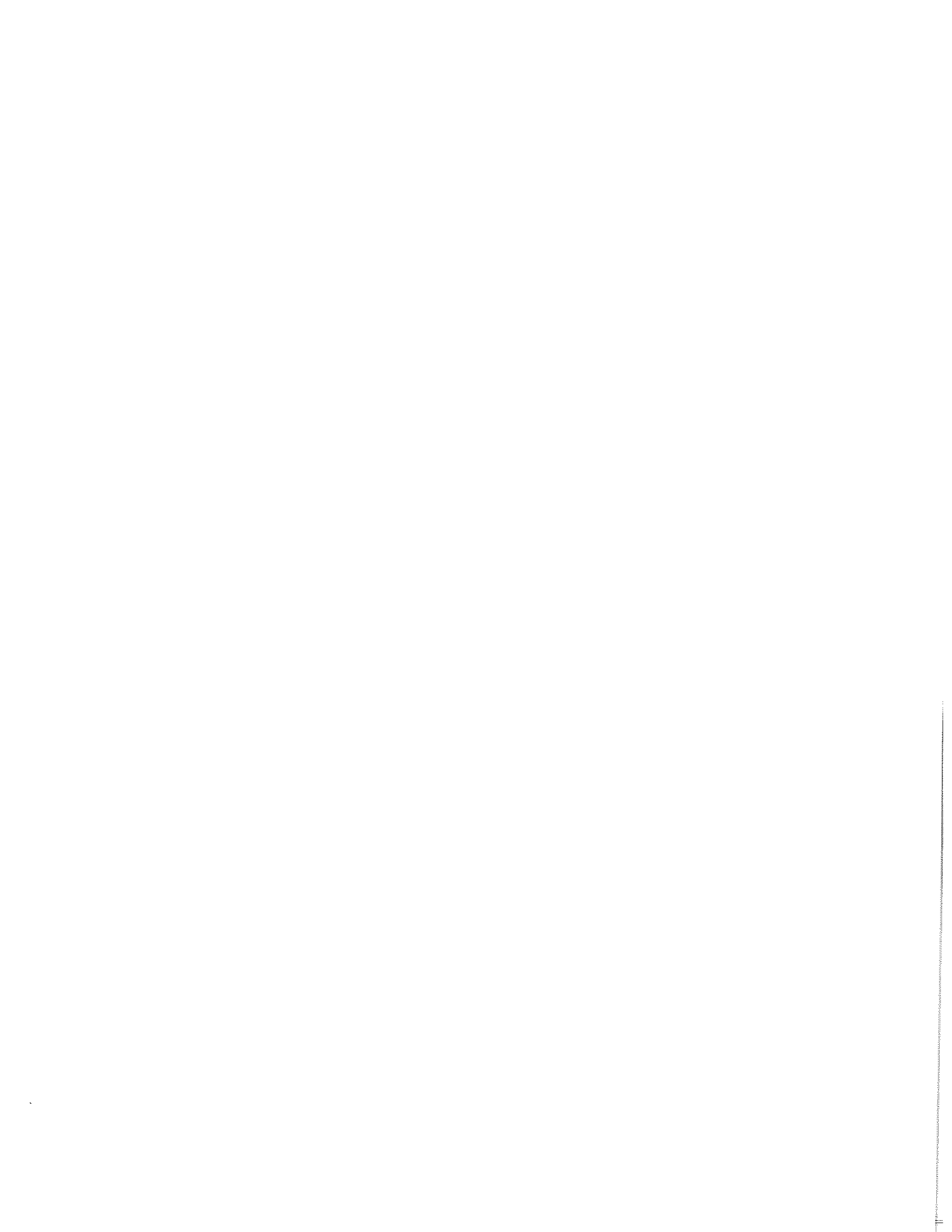
Jamie,

Attached are comments to your draft sent last week on August 18th. Please let me know when you are available to discuss this draft.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of the Bedford County Board of Commissioners for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990 : : Docket No. P-2020-3022537

JOINT STIPULATION OF FACTS

Petitioner Bedford County Board of Commissioners and Respondents Bedford Rural Electric Cooperative, Inc. and Penelec hereby stipulate to the following facts:

1. Petitioner is the Bedford County Board of Commissioners (“Bedford County”). Bedford County is organized under the authority of Article IX, Section 4 of the Pennsylvania Constitution for the purpose of carrying out certain services mandated by the Commonwealth and other services that meet locally determined needs of all of the citizens of Bedford County. The Board of Commissioners is the legislative and administrative body of county government in Bedford County.

2. Respondent Bedford Rural Electric Cooperative, Inc. (“BREC”), is a non-profit electric cooperative incorporated on June 2, 1939. BREC provides electric service to the rural areas of Bedford County and portions of Fulton and Somerset Counties. The purpose of BREC serves overis to serve its 9,000 members and to do so, it maintains 9 substations and over 1,260 miles of line.

3. Respondent Pennsylvania Electric Company (“Penelec”) is an electric distribution company. Penelec is a “public utility” as that term is defined in the Public Utility Code at 66 Pa.C.S. § 102(1)(i), inasmuch as it provides utility service as an electric distribution

company to the public for compensation, including multiple locations owned by Bedford County.

4. Bedford County ~~is one of the 9,000 members of BREC, due to the fact that several sites which Bedford County owns are located in a portion of Bedford County which has been designated as part of BREC's certified territory. owns~~ One of those locations is the Bedford County Jail.

5. The Bedford County Jail is located in BREC's certified territory as that term is used in the Unincorporated Area Certified Territory Law of 1990, 15 Pa.C.S. §§ 7351-7359 ("Territory Act").

6. The Bedford County Jail receives retail electric service, as that term is used in the Territory Act, from BREC.

7. The Bedford County Jail is not within Penelec's certificated territory. 66 Pa.C.S. §§ 101, *et seq*; 66 Pa.C.S. § 1101.

8. Penelec does not possess any grandfathered rights to serve the Bedford County Jail. 66 Pa.C.S. § 103(a).

9. Penelec does not presently, and has not at any time in the past, provided retail electric service to the Bedford County Jail.

~~10. In order to provide electric service to the Bedford County Jail, Penelec would have to apply for and the Pennsylvania Public Utility Commission ("PUC") would need to issue Penelec a Certificate of Public Convenience ("Certificate") to serve the additional territory. 66 Pa.C.S. § 1102(a).~~

~~11. Penelec has not applied to the Pennsylvania Public Utility Commission ("PUC") for a Certificate of Convenience ("Certificate") to serve the Bedford County Jail. 66 Pa.C.S. § 1102(a).~~

Commented [A1]: This is not a fact, but a statement interpreting a law, and is not suitable for inclusion in a Stipulation of Facts. The manner in which the law is interpreted is properly the subject of legal briefs.

~~12. Penelec does not intend to apply for a Certificate to serve the Bedford County Jail in the future.~~

~~13.10.~~ Penelec has not entered into any written agreement to provide electric service to the Bedford County Jail.

~~14.11.~~ Penelec does not currently have the infrastructure or facilities to The substation which provides electric service to the Bedford County Jail is owned by Penelec.

~~15.~~ Bedford County owns a right of way from the Bedford County Jail to Penelec's certificated territory ends that goes between the approximately 1500 feet away from the border of the Bedford County Jail property to Penelec certified territory.

~~16.12.~~ Penelec's certificated territory does not share a border with the Bedford County Jail property.

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~~17.13.~~ To enable Penelec to provide electric service to the Bedford County Jail, ~~it is believed that at a minimum,~~ Bedford County would ~~need to acquire the right to install, and to install,~~ at its own expense, approximately 1500 feet of distribution line on an abandoned railroad right-of-way from the Bedford County Jail property to the boundary between Penelec's certificated territory and BREC's certified territory.

~~18.~~ Bedford County may be responsible for additional costs incurred by Penelec in connection with the relocation of the point of delivery for the Bedford County Jail within Penelec's service territory, in accordance with Penelec's Tariff Electric Pa. P.U.C. No. 81, Rule 4, beginning on Original Page 30, effective May 3, 2015.

~~19.~~ Penelec has not performed a study or analysis of (a) the infrastructure and facilities or (b) the feasibility or design of potential infrastructure and facilities necessary to enable Penelec to provide electric service to the Bedford County Jail.

~~20.—Penelec has not performed an estimate regarding the cost of constructing facilities necessary to enable Penelec to provide electric service to the Bedford County Jail. However, the costs would likely be substantial given the nature of the potential construction and the stated desire for substantial two-way flows of power contemplated under net metering service.~~

~~21.—Bedford County is a member of BREC.~~

~~22.—Bedford County owns other properties that are located in Penelec’s service territory and that receive retail electric service from Penelec. None of these other properties is contiguous or adjacent to the Bedford County Jail property.~~

Commented [A2]: Speculation about the magnitude of the costs is not suitable for a Stipulation of Facts; it is not a fact. Moreover, the magnitude of the costs is irrelevant to the legal analysis. Paragraphs 16 and 17 state that whatever the costs are, they will be borne by Bedford County. That is sufficient for purposes of the Stipulation.

23.14. Bedford County is developing a 1.26 megawatt (“MW”) aggregated virtual net metering solar array (the “Bedford Solar Project”) which ~~will has been proposed to be~~ situated on the site of the Bedford County Jail in BREC’s certified territory.

24.15. Bedford County seeks to use the electricity generated by the Bedford Solar Project to supply 100% of the Bedford County Jail’s electricity consumption ~~for the purposes of saving money on the electricity consumed at the Bedford County Jail and other Bedford County facilities.~~

25.16. The Bedford County Jail’s electricity consumption will represent approximately 40% of the output of the Bedford Solar Project.

26.17. Under Pennsylvania’s Alternative Energy Portfolio Standards Act, 73 P.S. §§ 1648.1-1648.8 (AEPS Act), “net metering” is defined as:

The means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator's requirements for electricity. Virtual meter aggregation on properties owned or leased and operated by a customer-generator and located within two miles of the boundaries of the customer-generator's property and within a single electric

distribution company's service territory shall be eligible for net metering.

73 P.S. § 1648.2.

27.18. Under the PUC's regulations implementing the AEPS Act, "virtual meter aggregation" is defined as

Virtual meter aggregation—The combination of readings and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator by means of the EDC's billing process, rather than through physical rewiring of the customer-generator's property for a physical, single point of contact. Virtual meter aggregation on properties owned or leased and operated by the same customer-generator and located within 2 miles of the boundaries of the customer-generator's property and within a single EDC's service territory shall be eligible for net metering. Service locations to be aggregated must be EDC service location accounts, held by the same individual or legal entity, receiving retail electric service from the same EDC and have measureable electric load independent of the alternative energy system. To be independent of the alternative energy system, the electric load must have a purpose other than to support the operation, maintenance or administration of the alternative energy system.

52 Pa. Code § 75.12.

28.19. Under Rider D of Penelec's Tariff Electric Pa. P.U.C. No. 81, Original Page 121, effective May 3, 2015, Penelec's current Net Metering Tariff provisions, meter aggregation for net metering is available as follows:

Meter aggregation on properties owned or leased and operated by a customer-generator shall be allowed for purposes of net metering. Meter aggregation shall be limited to meters located on properties within two (2) miles of the boundaries of the customer-generator's property. Meter aggregation shall only be available for properties located within the Company's service territory.

A copy of Penelec's Rider D is attached as **Exhibit 1**.

29.20. The AEPS Act, the PUC's implementing regulation at 52 Pa. Code § 75.12, and Penelec's Net Metering Rider all currently prohibit Penelec from providing net

metering for the Bedford Solar Project as ~~designed-proposed~~ by Bedford County, because the site of generation of the Bedford Solar Project and (at the Bedford County Jail) isare located in BREC's certified territory, whereas Bedford County's other proposed net metering properties are located in Penelec's service territory; ~~the AEPS Act, 52 Pa. Code § 75.12, and Penelec's Net Metering Rider all require that the properties that will be the subjects of net metering be located within Penelec's service territory.~~

30-21. Other than the requirement in 73 P.S. § 1648.8 to offer its customers a "voluntary program of energy efficiency and demand-side management programs," BREC is not subject to the AEPS Act or, generally, the Pennsylvania Public Utility Code. 15 Pa.C.S. § 7334.

31-22. BREC's rates, terms, and conditions of service are not regulated by the PUC or subject to the jurisdiction of the PUC. 15 Pa.C.S. § 7334.

32-23. BREC has adopted a Net Metering Rate Rider for Member-owned Alternative Energy Production Systems ("BRE C's Net Metering Rider") that provides for a small amount of net metering and meter aggregation from multiple properties as follows:

METER AGGREGATION A member operating an AES may aggregate, either by physical or virtual means, electric energy consumption at properties owned, or leased and operated, by that member and served by the Cooperative, provided the other properties are located within two (2) miles of the property having the AES. For AESs involved in virtual meter aggregation, a kilowatt hour credit shall first be applied to the meter at the service location of the member's AES. Excess kilowatt hours produced by the AES will then be credited equally to the remaining meters for the AESs account(s), at each meter's designated rate.

A copy of BRE C's Net Metering Rider is attached as **Exhibit 2**.

33-24. Under BRE C's Net Metering Rider, as long as the Bedford County Jail is served by BRE C, Bedford County is prohibiteds BRE C from providing net metering for from the Bedford Solar Project ~~as designed by Bedford County~~, because the ~~Bedford Solar Project and the~~

Bedford County Jail ~~are is~~ located in BREC’s certified territory, whereas Bedford County’s other proposed net metering properties are located in Penelec’s service territory.

~~34.25. As well, u~~Under BREC’s Net Metering Rider, ~~any the 1.26 MW design of the Bedford~~ Solar Project ~~located at the Bedford County Jail could not be accommodated~~would be restricted in size, well below the current energy needs of the Bedford County Jail and the other Bedford County meter locations, because BREC’s Net Metering Rider ~~also limits restricts~~ the size of any ~~member’s~~ “alternative energy system” interconnected with BREC to ~~2~~100 kilowatts (“kW”).

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35.—Under the PUC’s regulations and Penelec’s Net Metering Rider, Penelec is required to compensate the customer-generator for kilowatt-hours (“kWh”) received from the customer-generator in excess of the kilowatt hours kWh delivered by Penelec to the customer-generator at the “full retail value for all energy produced,” consistent with PUC regulations; as of the date of this Stipulation, the full retail value for all energy produced for which Penelec would compensate Bedford County would be based upon an hourly real time pricing rate.

26.

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27. ~~BREC does not, itself, own any electrical generation facilities. It has contracted to acquire all of the electricity it distributes to its membership from a third party electricity provider, Allegheny Electric Cooperative (“Allegheny”). Allegheny has contractually restricted BREC’s ability to obtain electricity from any other sources, including self-generation by BREC’s members, such as Bedford County.~~

36.—Under BREC’s Net Metering Rider, Allegheny Electric Cooperative (“Allegheny”) will purchase energy delivered to BREC in excess of that used by the BREC member in any given annual period at Allegheny’s avoided cost, which varies annually, and

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which during 2019 was 3.715 cents per kilowatt hour (“kWh”).

~~28.~~ _____ :

~~36.29.~~ BREC’s charges paid to Allegheny under BREC’s service agreement with Allegheny varies monthly and annually. During 2018 it ranged from 5.6 cents per kWh to 6.1 cents per kWh; during 2019 it ranged from 5.8 cents per kWh to 6.2 cents per kWh; during 2020 it ranged from 5.4 cents per kWh to 5.6. cents per kWh The charges paid by BREC to Allegheny represent the application of Allegheny’s board approved rates for full requirements service to all of its members and do not represent ~~Allegheny’s its~~ avoided cost.

~~37.~~ ~~2837.~~ Under the PUC’s regulations and Penelec’s Net Metering Rider,

Penelec allows excess kilowatt-hours generated by the customer generator during any billing period to be carried over to successive periods, subject to an annual reconciliation. The customer-generator is responsible for the distribution charge, demand charge and other applicable charges under the applicable rate schedule.

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~~38.~~ ~~2938.~~ Under BREC’s Net Metering Rider, excess kWh generated by the

customer generator during any billing period may not be carried over to succeeding billing periods.

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~~39.~~ ~~309.~~ In order to create the conditions under which Penelec could,

consistent with the AEPS Act, PUC regulations, and Penelec’s Net Metering Tariff Rider D, provide virtual net metering service to Bedford County so that electricity produced by the Bedford Solar Project could serve the needs of the Bedford County Jail and also the Bedford County properties located in Penelec’s service territory, Bedford County asked BREC to request Penelec to render service to the Bedford County Jail pursuant to the provisions of the Territory Law, 15 Pa.C.S. § 7356; BREC refused to make such a request and remains unwilling to do so.

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~~40. 3140.~~ BREC has provided retail electric service to the Bedford County

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Jail since February 16, 1996.

~~41. 41.~~ Until the present controversy concerning Bedford County's desire for terms and conditions for BREC's provision of net metering service that differ from those in BREC's Net Metering Rider, Bedford County has not complained about the reliability or adequacy of the retail electric service it receives from BREC at the Bedford County Jail nor the reasonableness of the prices paid by Bedford County for electricity delivered to the Bedford County Jail therefor.

~~42. 42.~~ Other than the terms and conditions for BREC's provision of net metering service set forth in BREC's Net Metering Rider, Bedford County does not contend that "the retail electric service being furnished or proposed to be furnished by" BREC to Bedford County "is inadequate and is not likely to be made adequate," within the meaning of 15 Pa.C.S. § 7355(e).

[sig blocks]

From: Rodney Rose rrose@sunvestmentgroup.com 
Subject: Fwd: Bedford County Jail Solar Interconnection Application
Date: June 3, 2019 at 10:27 AM
To: Jim Kurtz jkurtz@rerenergygroup.com, Kurt Karsten karstenlaw@gmail.com, Stephanie Brun de Pontet sbrundepontet@sunvestmentgroup.com, Lois Beidler lbeidler@rerenergygroup.com, Mike Barnes mbarnes@rerenergygroup.com



Jim,

I cannot find anywhere so far a request for \$1000 from BREC (Emails or BREC Web Site). Please see the forwarded email with Ryan Young, Andrew and Lois. The only request for payment was the \$7500 for the interconnection study after the application was sent in and processed. I will keep looking to see if I can find anything

Rodney G. Rose, Esq.

General Counsel and Director of Financial Management



7 East 5th St. Frederick, MD 21701
c:301-992-3007 • f: 888-712-0734
rrose@sunvestmentgroup.com • www.sunvestmentgroup.com

Invest In Your Community. Invest In Solar.

----- Forwarded message -----

From: Accounting RER <accounting@rerenergygroup.com>
Date: Mon, Jun 25, 2018 at 4:29 PM
Subject: Re: Bedford County Jail Solar Interconnection Application
To: Andrew Biederman <abiederman@rerenergygroup.com>
Cc: Rodney Rose <rrose@sunvestmentgroup.com>, Jim Kurtz <jkurtz@rerenergygroup.com>, Mike Barnes <mbarnes@rerenergygroup.com>, Jim Balkam <jbalkam@rerenergygroup.com>

Andrew,

Attached is check 3045 payable to BREC for Bedford Jail.

Lois Beidler

Bookkeeper



Corporate: 4700 Pottsville Pike, Reading, PA 19605
Regional offices serving United States and Latin America
Ph: 610-332-7232 • c: 610-781-1256 • f: 888-712-0734

lbeidler@rerenergygroup.com • www.rerenergygroup.com

News at RER Energy Group

- Over 40 MW of solar arrays generating cost-effective energy
- Over \$25MM in solar grants obtained for 75 clients
- Ranked in top 25 Commercial Solar Developers by Solar Power World
- Ranked 684 in Inc 500 Fastest Growing Companies 2017

On Mon, Jun 25, 2018 at 9:00 AM, Andrew Biederman <abiederman@rerenergygroup.com> wrote:

Team, it looks like Bedford Rural says that they need \$7,500.00 to do the interconnection study and would like a check sent.

Thank you,

Andrew Biederman

Design & Engineering Manager

4700 Pottsville Pike, Reading, PA 19605

c: 319-610-3449

abiederman@rerenergygroup.com | www.rerenergygroup.com



[Learn More About RER in this Short Video](#)



Named one of the nation's fastest growing private companies for the third consecutive year.



----- Forwarded message -----

From: <ryoung@bedfordrec.com>

Date: Mon, Jun 25, 2018 at 7:55 AM

Subject: RE: Bedford County Jail Solar Interconnection Application

To: Andrew Biederman <abiederman@rerenergygroup.com>

Andrew,

Thank you for the information.

Bedford REC will process the attached documents accordingly, but will need to have a check for the purchase of the attached "System Impact and Facilities Study" from your company.

Please make the check payable to: Bedford Rural Electric Cooperative, Inc.

Once we receive the check, we can begin the study and all other associated tasks.

Let me know if you have any questions.

Thanks,

Ryan T. Young

Engineering Manager

Bedford Rural Electric Cooperative, Inc.

PO Box 335 | 8846 Lincoln Hwy

Bedford PA 15522

Phone: 814.624.3824

Cell: 814.977.6905

From: Andrew Biederman <abiederman@rerenergygroup.com>

Sent: Tuesday, June 19, 2018 10:18 AM

To: ryoung@bedfordrec.com

Cc: Rodney Rose <rose@sunvestmentgroup.com>; Mike Barnes <mbarnes@rerenergygroup.com>

Subject: Bedford County Jail Solar Interconnection Application

Hello Ryan and Bedford Rural Electric Cooperative team. This is Andrew Biederman with RER Energy Group. Please accept this submission of documents for interconnection of the solar array that will benefit Bedford County and will be located at the Jail.

Included with this email is the following:

1. Cover Letter
2. Site Plan View
3. System Line Diagram
4. Inverter Spec Sheet
5. Inverter UL Listing
6. Interconnection Application Form

- 6. Interconnection Application Form
- 7. Module Spec Sheet

Please proceed with your interconnection study process. Contact me with any questions or need for clarification that you may have.

Thank you,

Andrew Biederman

Design & Engineering Manager

[4700 Pottsville Pike, Reading, PA 19605](#)

c: [319-610-3449](tel:319-610-3449)

abiederman@rerenergygroup.com | www.rerenergygroup.com



[Learn More About RER in this Short Video](#)



Named one of the nation's fastest growing private companies for the third consecutive year.



RER Chk3045
BREC 2...25.pdf

Debra Brown

From: Commissioner Dallara
Sent: Monday, August 30, 2021 1:45 PM
To: Kurt Karsten
Cc: Commissioner Baughman; Commissioner Frederick
Subject: Bedford County Solar Project Status

Kurt, based on the recent email correspondence you shared with us last week, the board of commissioners desires to have a conference call with you and other responsible parties ASAP. We believe the project may not be completed and we need to understand the viability of completing it in the near future. Please email me several dates and times this week when we can schedule the call.

Sent from my iPhone

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, August 30, 2021 2:06 PM
To: Debra Brown
Cc: Commissioner Dallara; Commissioner Baughman; Commissioner Frederick
Subject: Re: Teleconference Call

Debra,

If the following times are still available, I could do a call at 1:30 pm on Wednesday, September 1st or at 11 am on Thursday, September 2nd.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Aug 26, 2021, at 2:14 PM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Afternoon:

As a follow up to my phone call, here are a few dates and times in which the commissioners are available for a teleconference call:

August 31 – 11 a.m. or 2:00 p.m.
Sept. 1 – 10:30 a.m., 1:30 p.m. or 2:30 p.m.
Sept. 2 – 10:30 a.m. or 1:30 p.m.

Please let me know what date and time works best for your schedule. I appreciate it, enjoy the rest of your day!

Debra

Debra Brown, Chief Clerk/Director of Elections
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807

Fax: 814-623-0991

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, August 30, 2021 2:33 PM
To: Commissioner Dallara
Cc: Commissioner Baughman; Commissioner Frederick
Subject: Re: Bedford County Solar Project Status

Commissioners,

I have passed along available times to Debra Brown for an update call. However, I also wanted to provide some information by way of an update.

Regarding the representation by Keyes & Fox, we have had repeated issues which have lead both sides to conclude that the representation in this case needs to change, to the extent the case were to continue. Having said that, a few things have changed over the past few months which have lead RER to come to the conclusion that the cost/benefit of pursuing this case may not favor continuing the case, and I have a call scheduled with counsel for BREC and Penelec tomorrow afternoon to discuss whether and how this action might continue to move forward. A settlement proposal had been communicated by RER to our Keyes & Fox attorney two months ago, which it appears was never actually communicated to counsel for BREC or Penelec. My expectation is that a portion of the conversation tomorrow will be on that proposal and I will be able to update you further whenever our update call is scheduled later this week.

The primary change that has occurred, is that a ruling by the PA PUC has been issued that allows for behind the meter solar installations to aggregate net meter generation that is located in the same service territory and within 2 miles of consumption using a newly installed meter on land owned or leased by the host customer. The import of that ruling to this project is that, if land can be located within Penelec territory at which a new meter might be installed, then the generation capacity needed to offset consumption at the courthouse and other Penelec territory meters can be built there, without the need for the service territory adjustment currently being requested in this PUC Petition. An array would still be built at the Bedford County Jail - it would simply be sized to fit within the Net metering policy currently in place in BREC territory. RER is pricing out the availability and cost of a battery system to be also located there, so that more of the Jail usage could be offset over the course of a day than just what would be consumed during the peak solar generation hours of 10 am - 3 pm or so. As far as identifying land in Penelec service territory where RER would build the second part of the project, RER has continued the discussion and done a site visit with Borough of Bedford and has identified sufficient suitable acres there for lease for that portion of the project.

Another change is that the extremely challenging supply and procurement issues that have been driving up costs over the past 8 months of the pandemic have begun to resolve, so that reliable pricing and delivery seems to be coming back into a semi-reasonable range.

I look forward to bringing you up to speed further when we talk later this week.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402

Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

> On Aug 30, 2021, at 1:44 PM, Commissioner Dallara <cdallara@bedfordcountypa.org> wrote:

>

> Kurt, based on the recent email correspondence you shared with us last week, the board of commissioners desires to have a conference call with you and other responsible parties ASAP. We believe the project may not be completed and we need to understand the viability of completing it in the near future. Please email me several dates and times this week when we can schedule the call.

>

> Sent from my iPhone

Debra Brown

From: Debra Brown
Sent: Monday, August 30, 2021 4:33 PM
To: Kurt Karsten
Cc: Commissioner Dallara; Commissioner Baughman; Commissioner Frederick
Subject: RE: Teleconference Call

Good afternoon:

Could you do 10:30 a.m. on the 2nd?

Deb

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, August 30, 2021 2:06 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Cc: Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: Re: Teleconference Call
Importance: High

Debra,

If the following times are still available, I could do a call at 1:30 pm on Wednesday, September 1st or at 11 am on Thursday, September 2nd.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Aug 26, 2021, at 2:14 PM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Afternoon:

As a follow up to my phone call, here are a few dates and times in which the commissioners are available for a teleconference call:

August 31 – 11 a.m. or 2:00 p.m.

Sept. 1 – 10:30 a.m., 1:30 p.m. or 2:30 p.m.

Sept. 2 – 10:30 a.m. or 1: 30 p.m.

Please let me know what date and time works best for your schedule. I appreciate it, enjoy the rest of your day!

Debra

Debra Brown, Chief Clerk/Director of Elections

200 South Juliana Street ~ Suite 301

Bedford, PA 15522

Email: dbrown@bedfordcountypa.org

Phone: 814-623-4807

Fax: 814-623-0991

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, August 30, 2021 6:17 PM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: Re: Teleconference Call

Yes

On Mon, Aug 30, 2021 at 4:33 PM Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good afternoon:

Could you do 10:30 a.m. on the 2nd?

Deb

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, August 30, 2021 2:06 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Cc: Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: Re: Teleconference Call
Importance: High

Debra,

If the following times are still available, I could do a call at 1:30 pm on Wednesday, September 1st or at 11 am on Thursday, September 2nd.

Thanks,

Kurt

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Sept. 1 – 10:30 a.m., 1:30 p.m. or 2:30 p.m.

Sept. 2 – 10:30 a.m. or 1: 30 p.m.

Please let me know what date and time works best for your schedule. I appreciate it, enjoy the rest of your day!

Debra

Debra Brown, Chief Clerk/Director of Elections

200 South Juliana Street ~ Suite 301

Bedford, PA 15522

Email: dbrown@bedfordcountypa.org

Phone: 814-623-4807

Fax: 814-623-0991

--

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

Debra Brown

Subject: Teleconference with Kurt Karstan
Location: Commissioners Suite

Start: Thu 9/2/2021 10:30 AM
End: Thu 9/2/2021 11:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Dallara; Commissioner Baughman; Alan Frederick; Kurt Karsten
Optional Attendees: Angie Ferguson

Call in number: 814-624-2660 ID:# 2700# Passcode:# 2700#

This call may not last 1 hour



Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, August 31, 2021 7:02 PM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: Re: Electric Bills

Debra,

Are you able to send me the electric bills for the Bedford County Jail for the past 12 months?

Thanks!

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Mar 9, 2021, at 11:15 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Morning Sir:

Please see attached bills as per your request.

Debraq

Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991

<Electric Bills.pdf>



Debra Brown

From: Debra Brown
Sent: Wednesday, September 1, 2021 9:28 AM
To: Tracey Snyder; Linda Klotz
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: RE: Electric Bills

Tracy and Linda:

Please see the request below. Please cc me on response. Thanks.

Deb

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, August 31, 2021 7:02 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: Re: Electric Bills
Importance: High

Debra,

Are you able to send me the electric bills for the Bedford County Jail for the past 12 months?

Thanks!

Kurt

Kurt D. Karsten, Esq.
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Suite 402
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Good Morning Sir:

Please see attached bills as per your request.

Debraq

Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991

<Electric Bills.pdf>

Debra Brown

From: Linda Klotz
Sent: Friday, September 10, 2021 3:26 PM
To: karstenlaw@gmail.com
Cc: Tracey Snyder; Debra Brown
Subject: FW: Electric Bills
Attachments: May 21.jpg; Mar 21.jpg; Feb 21.jpg; Nov 20.jpg; Oct 20.jpg; Sept 20.jpg; Aug 20.jpg; Aug 21.jpg; Jul 21.jpg; Jun 21.jpg

Kurt,

Electric bill attached.

Have a good weekend.

*Linda K Klotz, Finance Clerk
200 South Juliana Street ~ Suite 302
Bedford, PA 15522
Phone: 814-623-4807 ext 2260
Email: lklotz@bedfordcountypa.org*



From: Debra Brown <DBrown@bedfordcountypa.org>
Sent: Wednesday, September 1, 2021 9:28 AM
To: Tracey Snyder <tsnyder@bedfordcountypa.org>; Linda Klotz <lklotz@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: RE: Electric Bills
Importance: High

Tracy and Linda:

Please see the request below. Please cc me on response. Thanks.

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From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, August 31, 2021 7:02 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: Re: Electric Bills
Importance: High

Debra,

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Thanks!

Kurt

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Good Morning Sir:

Please see attached bills as per your request.

Debraq

Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991

<Electric Bills.pdf>



Bedford Rural Electric Cooperative, Inc.
 8846 Lincoln Highway
 PO Box 335
 Bedford PA 15522-0335

"People you can count on"



A Touchstone Energy Cooperative
 Office Hours: 7:30 AM - 4:00 PM Mon. - Fri.
 Office: 814-623-5101 Outage 814-623-7568

673 1 AV 0.395
 BEDFORD COUNTY JAIL
 & BEDFORD CO COMM
 200 S JULIANA ST
 BEDFORD PA 15522-1713

4 673
 C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC
 GEN AND TRANS CHG 13901 KWH X .04089 568.41
 13901 KWH X .03319 461.37
 22310 KWH X .02569 573.15
 ALLEGHENY FACILITY CHG 13901 KWH X .02050 284.97
 13901 KWH X .01600 222.42
 22310 KWH X .01000 223.10
 SUBTOTAL GENERATION: 2333.42

DISTRIBUTION:

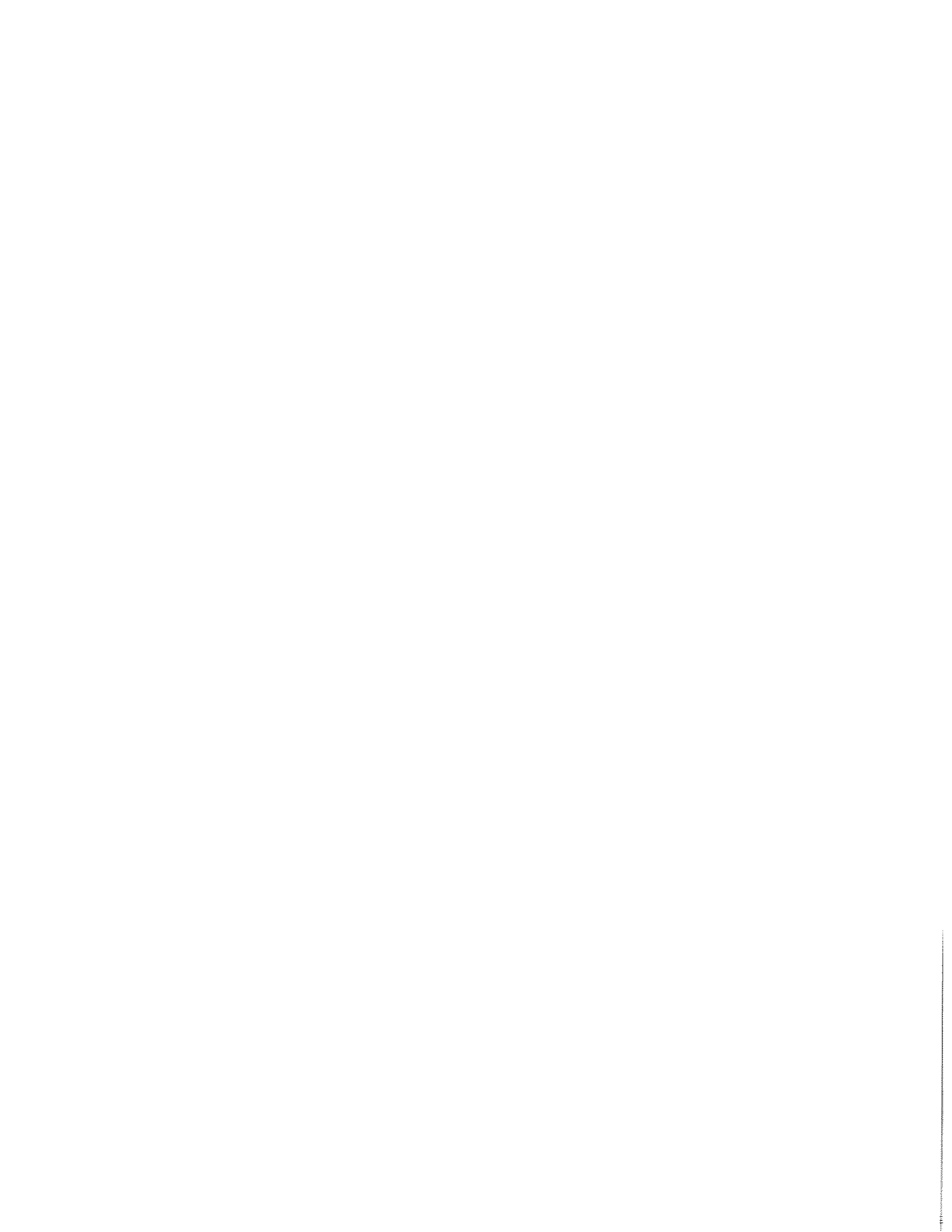
BASE CHARGE 57.00
 DISTRIBUTION CHARGE 13901 KWH X .03250 451.78
 13901 KWH X .02250 312.77
 22310 KWH X .01850 412.74
 DEMAND CHARGE 69.500 KW X 5.0000 347.52
 SUBTOTAL DISTRIBUTION: 1581.81

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES:

PREVIOUS BALANCE: 8342.64
 PAYMENTS RECVD: 8747.61 CR
 BALANCE FORWARD: 404.97 CR
 TOTAL BASIC: 3915.23
 TOTAL NONBASIC: 0.00
 TOTAL SALES TAX: 0.00

Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	6356	6617	192.000	50112	69.504
Total Yearly KWH For The Past 12 Months:					651456
Average Monthly KWH On Past 12 Months:					54288
From Date: 03/22/2021			To Date: 04/21/2021		
Total Amount Due By: 05/20/2021					REGULAR





8846 Lincoln Highway
PO Box 335
Bedford PA 15522-0335

"People you can count on"



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Office: 814-623-5101 Outage 814-623-7568

676 1 AV 0.395
BEDFORD COUNTY JAIL
& BEDFORD CO COMM
200 S JULIANA ST
BEDFORD PA 15522-1713

4 676
C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC
GEN AND TRANS CHG 18547 KWH X .04089 758.39
18547 KWH X .03319 615.57
18778 KWH X .02569 482.41
18547 KWH X .02050 380.21
18547 KWH X .01600 296.75
18778 KWH X .01000 187.79
SUBTOTAL GENERATION: 2721.12

DISTRIBUTION:
BASE CHARGE 57.00
DISTRIBUTION CHARGE 18547 KWH X .03250 602.78
18547 KWH X .02250 417.31
18778 KWH X .01850 347.39
DEMAND CHARGE 92.730 KW X 5.0000 463.68
SUBTOTAL DISTRIBUTION: 1888.16

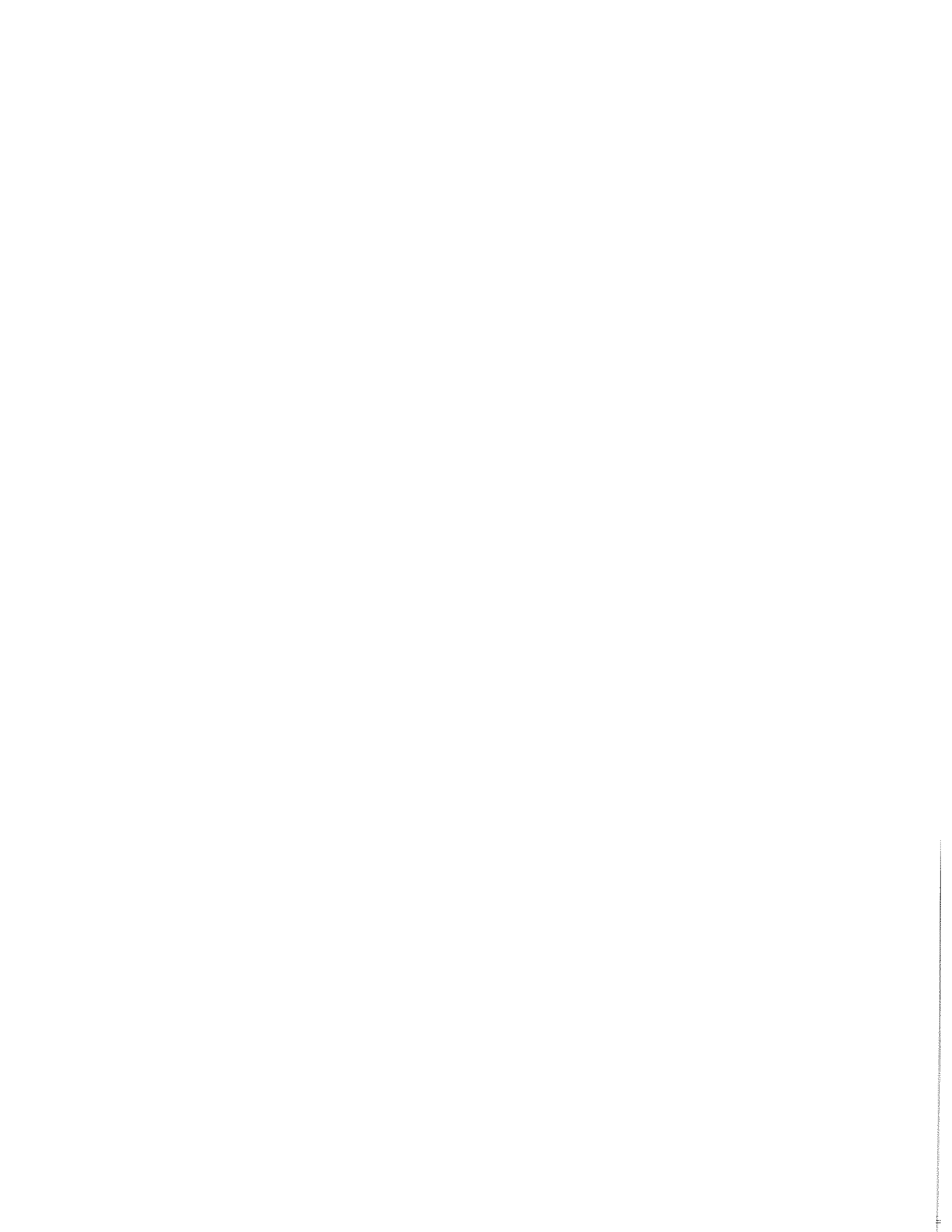
Meter Number: 324683668

Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	5826	6117	192.000	55872	92.736
Total Yearly KWH For The Past 12 Months: 686208					
Average Monthly KWH On Past 12 Months: 57184					
From Date: 01/19/2021 To Date: 02/22/2021					
Total Amount Due By: 03/20/2021					REGULAR

BEDFORD RURAL ELECTRIC COOPERATIVE IS PREPARING TO HOLD A DRIVE-THRU ANNUAL MEETING AT THE BEDFORD COUNTY FAIRGROUNDS ON APRIL 14TH, 2021. THE TRADITIONAL BUSINESS MEETING WILL NOT BE HELD DUE TO CONCERNS ASSOCIATED WITH THE PANDEMIC. PLEASE WATCH FOR FURTHER INFORMATION AS WE FINALIZE THE DETAILS.

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES: 0.00
PREVIOUS BALANCE: 300.67
PAYMENTS RECVD: 0.00
BALANCE FORWARD: 300.67
TOTAL BASIC: 4609.28
TOTAL NONBASIC: 0.00
TOTAL SALES TAX: 0.00





DEWITT RURAL ELECTRIC COOPERATIVE, INC.
 8846 Lincoln Highway
 PO Box 335
 Bedford PA 15522-0335

"People you can count on"



A Touchstone Energy Cooperative

Office Hours: 7:30 AM - 4:00 PM Mon. - Fri.
 Office: 814-623-5101 Outage 814-623-7568

679 1 AV 0.395
 BEDFORD COUNTY JAIL
 % BEDFORD CO COMM
 200 S JULIANA ST
 BEDFORD PA 15522-1713

4 679
 C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC 725.43
 GEN AND TRANS CHG 17741 KWH X .04089 588.82
 17741 KWH X .03319 232.81
 9062 KWH X .02569 363.69
 ALLEGHENY FACILITY CHG 17741 KWH X .02050 283.86
 17741 KWH X .01600 90.62
 9062 KWH X .01000 2285.23

SUBTOTAL GENERATION:

DISTRIBUTION:
 BASE CHARGE 57.00
 DISTRIBUTION CHARGE 17741 KWH X .03250 576.58
 17741 KWH X .02250 399.17
 9062 KWH X .01850 167.65
 DEMAND CHARGE 88.700 KW X 5.0000 443.52
 SUBTOTAL DISTRIBUTION: 1643.92

Meter Number: 324683668					
Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	5594	5826	192.000	44544	88.704
Total Yearly KWH For The Past 12 Months:					695808
Average Monthly KWH On Past 12 Months:					57984
From Date: 12/21/2020			To Date: 01/19/2021		
Total Amount Due By: 02/20/2021					REGULAR

HIGH SCHOOL SENIORS, DON'T FORGET! BEDFORD RURAL ELECTRIC COOPERATIVE WILL BE AWARDING AT LEAST FOUR SCHOLARSHIPS OF \$1,000 EACH TO ELIGIBLE HIGH SCHOOL SENIORS WHOSE PARENT'S OR GUARDIAN'S PRIMARY RESIDENCE IS SERVED BY THE COOPERATIVE. FOR FURTHER DETAILS, VISIT OUR WEBSITE AT www.bedfordrec.com OR CONTACT OUR OFFICE.

THE COOPERATIVE WILL ALSO BE AWARDING AT LEAST FOUR SCHOLARSHIPS OF \$1,000 EACH TO NON-TRADITIONAL STUDENT APPLICANTS WHO QUALIFY. FOR DETAILS, VISIT www.bedfordrec.com OR CONTACT OUR OFFICE.

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES: 0.00

PREVIOUS BALANCE: 1678.43
 PAYMENTS RECVD: 5306.91 CR
 BALANCE FORWARD: 3628.48 CR
 TOTAL BASIC: 3929.15
 TOTAL NONBASIC: 0.00
 TOTAL SALES TAX: 0.00



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 Bedford PA 15522-0335

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679 1 AV 0.395
 BEDFORD COUNTY JAIL
 % BEDFORD CO COMM
 200 S JULIANA ST
 BEDFORD PA 15522-1713

4 679
 C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC 17741 KWH X .04089 725.43
 17741 KWH X .03319 588.82
 9062 KWH X .02569 232.81
 ALLEGHENY FACILITY CHG 17741 KWH X .02050 363.69
 17741 KWH X .01600 283.86
 9062 KWH X .01000 90.62
 SUBTOTAL GENERATION: 2285.23

DISTRIBUTION:

BASE CHARGE 57.00
 DISTRIBUTION CHARGE 17741 KWH X .03250 576.58
 17741 KWH X .02250 399.17
 9062 KWH X .01850 167.65
 DEMAND CHARGE 88.700 KW X 5.0000 443.52
 SUBTOTAL DISTRIBUTION: 1643.92

Meter Number: 324683668				
Meter	Previous Reading	Present Reading	Mult	KWH Used
1	5594	5826	192.000	44544
				88.704
Total Yearly KWH For The Past 12 Months:				695808
Average Monthly KWH On Past 12 Months:				57984
From Date: 12/21/2020		To Date: 01/19/2021		
Total Amount Due By: 02/20/2021				REGULAR

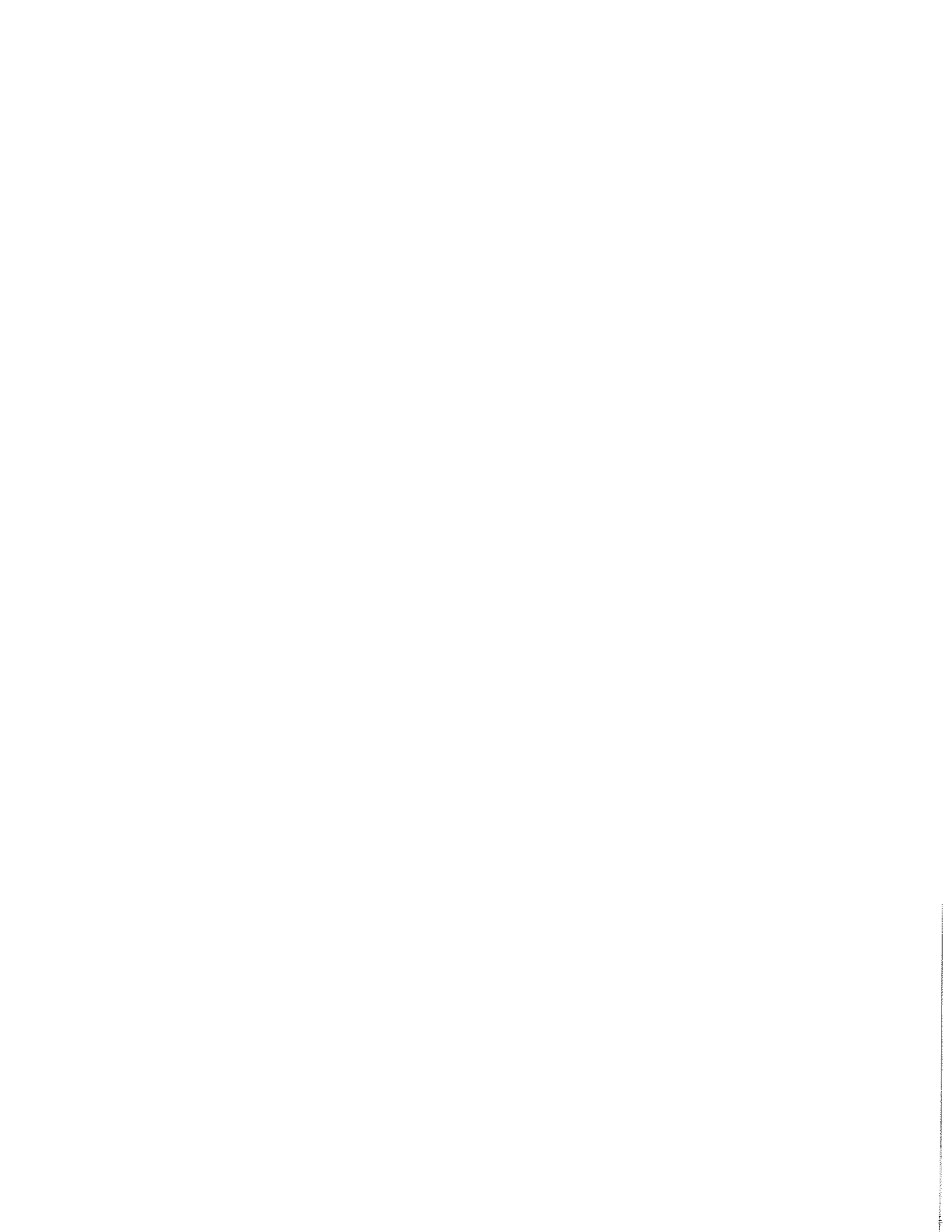
HIGH SCHOOL SENIORS, DON'T FORGET! BEDFORD RURAL ELECTRIC COOPERATIVE WILL BE AWARDING AT LEAST FOUR SCHOLARSHIPS OF \$1,000 EACH TO ELIGIBLE HIGH SCHOOL SENIORS WHOSE PARENT'S OR GUARDIAN'S PRIMARY RESIDENCE IS SERVED BY THE COOPERATIVE. FOR FURTHER DETAILS, VISIT OUR WEBSITE AT www.bedfordrec.com OR CONTACT OUR OFFICE.

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NONBASIC CHARGES:

TOTAL NONBASIC CHARGES: 0.00

PREVIOUS BALANCE: 1678.43
 PAYMENTS RECVD: 5306.91 CR
 BALANCE FORWARD: 3628.48 CR
 TOTAL BASIC: 3929.15
 TOTAL NONBASIC: 0.00
 TOTAL SALES TAX: 0.00





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Office: 814-623-5101 Outage 814-623-7568

692 1 AV 0.386
BEDFORD COUNTY JAIL
& BEDFORD CO COMM
200 S JULIANA ST
BEDFORD PA 15522-1713

4 692
C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC 15974 KWH X .04089 653.18
 GEN AND TRANS CHG 15974 KWH X .03319 530.18
 19124 KWH X .02569 491.29
 ALLEGHENY FACILITY CHG 15974 KWH X .02050 327.47
 15974 KWH X .01600 255.58
 19124 KWH X .01000 191.24
 SUBTOTAL GENERATION: 2448.94

DISTRIBUTION:

BASE CHARGE 57.00
 DISTRIBUTION CHARGE 15974 KWH X .03250 519.16
 15974 KWH X .02250 359.42
 19124 KWH X .01850 353.78
 DEMAND CHARGE 79.870 KW X 5.0000 399.36
 SUBTOTAL DISTRIBUTION: 1688.72

Meter Number: 324683668

Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	4814	5080	192.000	51072	79.872
Total Yearly KWH For The Past 12 Months:					730944
Average Monthly KWH On Past 12 Months:					60912
From Date: 09/22/2020					To Date: 10/21/2020
Total Amount Due By: 11/20/2020					REGULAR

THE CO-OP OFFICE WILL BE CLOSED NOV 11TH FOR VETERANS DAY, AND NOV 26TH AND 27TH FOR THANKSGIVING. THANK A VETERAN FOR THEIR SERVICE! HAVE A SAFE AND HAPPY THANKSGIVING!

DUE TO COVID-19, THE CO-OP WILL NOT BE COLLECTING ITEMS FOR THE LOCAL FOOD BANKS THIS YEAR. WE ENCOURAGE YOU TO TAKE ITEMS THAT YOU WOULD NORMALLY BRING TO THE CO-OP TO YOUR LOCAL FOOD BANK. THANK YOU!

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES: 0.00

PREVIOUS BALANCE: 4784.39
 PAYMENTS RECVD: 4784.39 CR
 BALANCE FORWARD: 0.00
 TOTAL BASIC: 4137.66
 TOTAL NONBASIC: 0.00
 TOTAL SALES TAX: 0.00





Bedford Rural Electric Cooperative, Inc.
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 PO Box 335
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652 1 AV 0.395
 BEDFORD COUNTY JAIL
 % BEDFORD CO COMM
 200 S JULIANA ST
 BEDFORD PA 15522-1713

4 652
 C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC	19507	KWH X .04089	797.64
GEN AND TRANS CHG	19507	KWH X .03319	647.44
	26842	KWH X .02569	689.57
ALLEGHENY FACILITY CHG	19507	KWH X .02050	399.89
	19507	KWH X .01600	312.11
	26842	KWH X .01000	268.43
SUBTOTAL GENERATION:			3115.08

DISTRIBUTION:

BASE CHARGE			57.00
DISTRIBUTION CHARGE	19507	KWH X .03250	633.98
	19507	KWH X .02250	438.91
	26842	KWH X .01850	496.57
DEMAND CHARGE	97.530	KW X 5.0000	487.68
SUBTOTAL DISTRIBUTION:			2114.14

NONBASIC CHARGES:

PREVIOUS BALANCE:	4932.41
PAYMENTS RECVD:	4871.52 CR
BALANCE FORWARD:	60.89
TOTAL BASIC:	5229.22
TOTAL NONBASIC:	0.00
TOTAL SALES TAX:	0.00

TOTAL NONBASIC CHARGES:

0.00

Meter Number: 324683668

Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	7198	7541	192.000	65856	97.536
Total Yearly KWH For The Past 12 Months:					652032
Average Monthly KWH On Past 12 Months:					54336
From Date: 06/22/2021			To Date: 07/21/2021		
Total Amount Due By: 08/20/2021					REGULAR

THANK YOU FOR YOUR CONTINUED SUPPORT IN DOING THE "ELECTRIC SHIFT". IT'S A GREAT WAY TO SAVE MONEY FOR ALL COOPERATIVE MEMBERS! JUST AN EARLY REMINDER, THE CO-OP OFFICE WILL BE CLOSED SEPTEMBER 6TH FOR LABOR DAY.

NONBASIC CHARGES:







8846 Lincoln Highway
PO Box 335
Bedford PA 15522-0335

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666 1 AV 0.395
BEDFORD COUNTY JAIL
% BEDFORD CO COMM
200 S JULIANA ST
BEDFORD PA 15522-1713

4 666
C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC 712.88
GEN AND TRANS CHG 578.63
27532 KWH X .02569 707.30
17434 KWH X .02050 357.40
17434 KWH X .01600 278.94
27532 KWH X .01000 275.32
SUBTOTAL GENERATION: 2910.47

DISTRIBUTION:
BASE CHARGE 57.00
DISTRIBUTION CHARGE 566.61
17434 KWH X .03250 566.61
17434 KWH X .02250 392.27
27532 KWH X .01850 509.33
87.160 KW X 5.0000 435.84
DEMAND CHARGE
SUBTOTAL DISTRIBUTION: 1961.05

Meter Number: 324683668

Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	6873	7198	192.000	62400	87.168
Total Yearly KWH For The Past 12 Months:					653568
Average Monthly KWH On Past 12 Months:					54464
From Date: 05/20/2021					To Date: 06/22/2021
Total Amount Due By: 07/20/2021					REGULAR

\$12,811.34 IS YOUR ALLOCATION OF OUR 2020 MARGINS. IT IS BASED ON YOUR 2020 KILOWATT HOUR USAGE AND MAY BE RETURNED IN THE FUTURE AS CAPITAL CREDITS.

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES: 0.00

PREVIOUS BALANCE: 4036.81
PAYMENTS RECVD: 4036.81 CR
BALANCE FORWARD: 0.00
TOTAL BASIC: 4871.52
TOTAL NONBASIC: 0.00
TOTAL SALES TAX: 0.00





DEVELOP RURAL ELECTRIC COOPERATIVE, INC.
 8846 Lincoln Highway
 PO Box 335
 Bedford PA 15522-0335

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673 1 AV 0.395
 BEDFORD COUNTY JAIL
 % BEDFORD CO COMM
 200 S JULIANA ST
 BEDFORD PA 15522-1713

4 673
 C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC 654.77
 GEN AND TRANS CHG 531.47
 16013 KWH X .04089
 16013 KWH X .03319
 17126 KWH X .02569 439.97
 16013 KWH X .02050 328.27
 16013 KWH X .01600 256.21
 17126 KWH X .01000 171.25
 SUBTOTAL GENERATION: 2381.94

DISTRIBUTION:

BASE CHARGE 57.00
 DISTRIBUTION CHARGE 520.42
 16013 KWH X .03250 360.29
 17126 KWH X .01850 316.84
 80.060 KW X 5.0000 400.32
 DEMAND CHARGE 1654.87
 SUBTOTAL DISTRIBUTION:

Meter Number: 324683668

Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	6617	6873	192.000	49152	80.064
Total Yearly KWH For The Past 12 Months: 654336					54528
Average Monthly KWH On Past 12 Months:					
From Date: 04/21/2021		To Date: 05/20/2021		REGULAR	
Total Amount Due By: 06/20/2021					

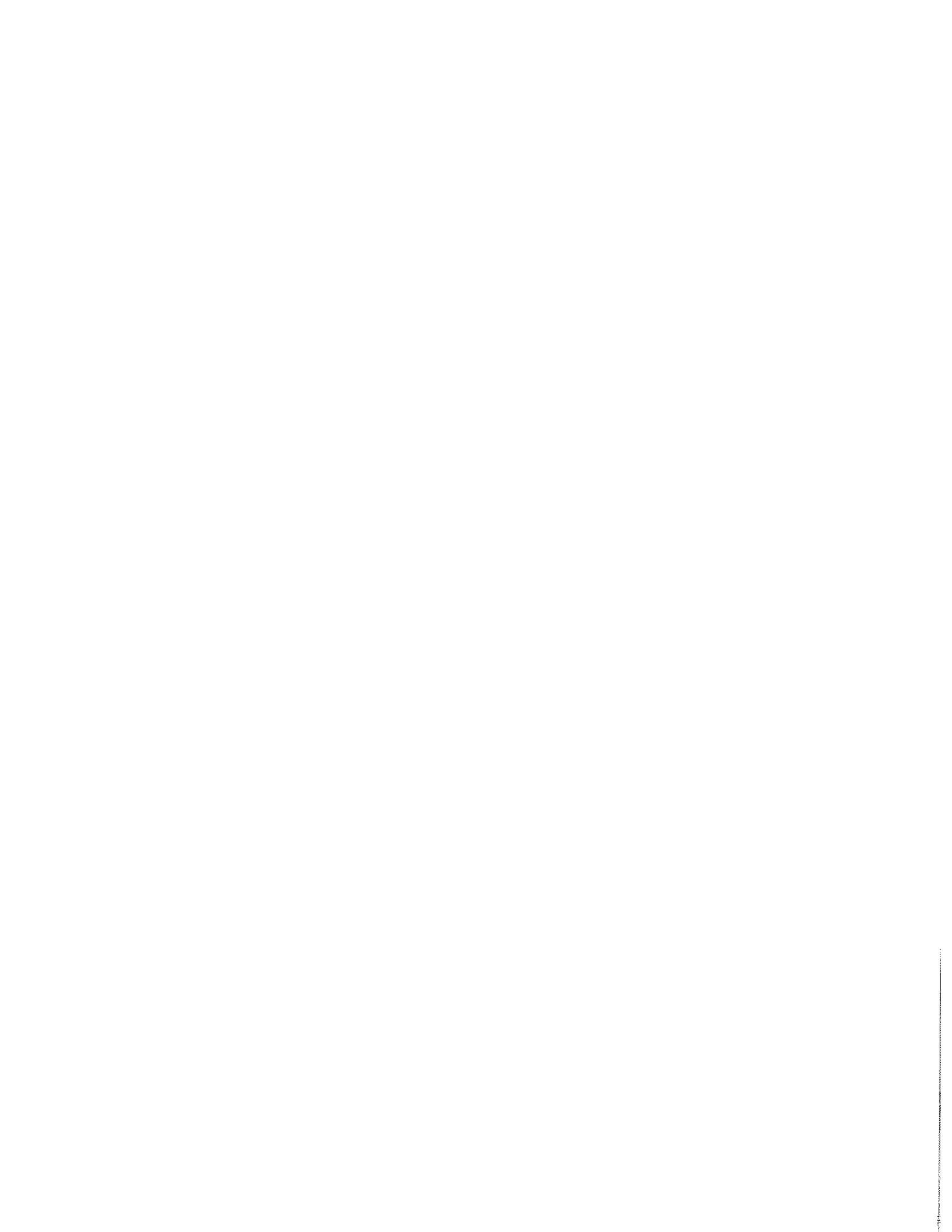
WE WISH YOU A SAFE AND ENJOYABLE SUMMER!! THE MONTH OF JUNE STARTS OUR ANNUAL PROMOTION TO HELP ALL MEMBERS OF BEDFORD RURAL ELECTRIC COOPERATIVE SAVE MONEY BY PARTICIPATING IN THE "ELECTRIC SHIFT". PLEASE JOIN IN AND HELP REDUCE FUTURE POWER COSTS. SEE OUR WEBSITE FOR DETAILS. THANK YOU!!!

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES: 0.00

PREVIOUS BALANCE: 3510.26
 PAYMENTS RECVD: 3510.26 CR
 BALANCE FORWARD: 0.00
 TOTAL BASIC: 4036.81
 TOTAL NONBASIC: 0.00
 TOTAL SALES TAX: 0.00

TOTAL AMOUNT DUE: 4036.81





Delaware Rural Electric Cooperative, Inc.
 8846 Lincoln Highway
 PO Box 335
 Bedford PA 15522-0335

"People you can count on"
 A Touchstone Energy® Cooperative

Office Hours: 7:30 AM - 4:00 PM Mon. - Fri.
 Office: 814-623-5101 Outage 814-623-7568

695 1 AV 0.386
 BEDFORD COUNTY JAIL
 % BEDFORD CO COMM
 200 S JULIANA ST
 BEDFORD PA 15522-1713

4 695
 C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC 19392 KWH X .04089 792.94
 GEN AND TRANS CHG 19392 KWH X .03319 643.62
 27648 KWH X .02569 710.28
 ALLEGHENY FACILITY CHG 19392 KWH X .02050 397.54
 19392 KWH X .01600 310.27
 27648 KWH X .01000 276.48
 SUBTOTAL GENERATION: 3131.13

DISTRIBUTION:

BASE CHARGE 57.00
 DISTRIBUTION CHARGE 19392 KWH X .03250 630.24
 19392 KWH X .02250 436.32
 27648 KWH X .01850 511.49
 DEMAND CHARGE 96.960 KW X 5.0000 484.80
 SUBTOTAL DISTRIBUTION: 2119.85

Meter Number: 324683668					
Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	4145	4491	192.000	66432	96.960
Total Yearly KWH For The Past 12 Months: 716352					
Average Monthly KWH On Past 12 Months: 59696					
From Date: 07/22/2020 To Date: 08/20/2020					
Total Amount Due By: 09/20/2020 REGULAR					

SCHOOL IS BACK IN SESSION! PLEASE DRIVE CAREFULLY AND WATCH FOR CHILDREN! REMEMBER TO STOP FOR SCHOOL BUSES!

THANK YOU FOR PARTICIPATING IN THE "ELECTRIC SHIFT." IT HELPS SAVE MONEY FOR ALL CO-OP MEMBERS!

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES: 0.00

PREVIOUS BALANCE: 10197.16
 PAYMENTS RECVD: 10197.16 CR
 BALANCE FORWARD: 0.00
 TOTAL BASIC: 5250.98
 TOTAL NONBASIC: 0.00
 TOTAL SALES TAX: 0.00



Bearora Rural Electric Cooperative, Inc.
 8846 Lincoln Highway
 PO Box 335
 Bedford PA 15522-0335

"People you can count on"



A Touchstone Energy Cooperative

Office Hours: 7:30 AM - 4:00 PM Mon. - Fri.
 Office: 814-623-5101 Outage 814-623-7568

652 1 AV 0.395
 BEDFORD COUNTY JAIL
 % BEDFORD CO COMM
 200 S JULIANA ST
 BEDFORD PA 15522-1713

4 652
 C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC	19507	KWH X .04089	797.64
GEN AND TRANS CHG	19507	KWH X .03319	647.44
	26842	KWH X .02569	689.57
ALLEGHENY FACILITY CHG	19507	KWH X .02050	399.89
	19507	KWH X .01600	312.11
	26842	KWH X .01000	268.43
SUBTOTAL GENERATION:			3115.08

DISTRIBUTION:			
BASE CHARGE			57.00
DISTRIBUTION CHARGE	19507	KWH X .03250	633.98
	19507	KWH X .02250	438.91
	26842	KWH X .01850	496.57
DEMAND CHARGE	97.530	KW X 5.0000	487.68
SUBTOTAL DISTRIBUTION:			2114.14

Meter Number: 324683668				
Meter	Previous Reading	Present Reading	Muit	KWH Used
1	7198	7541	192.000	65856
Total Yearly KWH For The Past 12 Months: 652032				
Average Monthly KWH On Past 12 Months: 54336				
From Date: 06/22/2021 To Date: 07/21/2021				
Total Amount Due By: 08/20/2021 REGULAR				

THANK YOU FOR YOUR CONTINUED SUPPORT IN DOING THE "ELECTRIC SHIFT". IT'S A GREAT WAY TO SAVE MONEY FOR ALL COOPERATIVE MEMBERS! JUST AN EARLY REMINDER, THE CO-OP OFFICE WILL BE CLOSED SEPTEMBER 6TH FOR LABOR DAY.

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES:	0.00
PREVIOUS BALANCE:	4932.41
PAYMENTS RECVD:	4871.52 CR
BALANCE FORWARD:	60.89
TOTAL BASIC:	5229.22
TOTAL NONBASIC:	0.00
TOTAL SALES TAX:	0.00



8846 Lincoln Highway
PO Box 335
Bedford PA 15522-0335

"People you can count on"



A Touchstone Energy Cooperative
Office Hours: 7:30 AM - 4:00 PM Mon. - Fri.
Office: 814-623-5101 Outage 814-623-7568

692 1 AV 0.386
BEDFORD COUNTY JAIL
% BEDFORD CO COMM
200 S JULIANA ST
BEDFORD PA 15522-1713

4 692
C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC 15974 KWH X .04089 653.18
 GEN AND TRANS CHG 15974 KWH X .03319 530.18
 19124 KWH X .02569 491.29
 ALLEGHENY FACILITY CHG 15974 KWH X .02050 327.47
 15974 KWH X .01600 255.58
 19124 KWH X .01000 191.24

SUBTOTAL GENERATION: 2448.94

DISTRIBUTION:

BASE CHARGE 57.00
 DISTRIBUTION CHARGE 15974 KWH X .03250 519.16
 15974 KWH X .02250 359.42
 19124 KWH X .01850 353.78
 DEMAND CHARGE 79.870 KW X 5.0000 399.36

SUBTOTAL DISTRIBUTION: 1688.72

TOTAL NONBASIC CHARGES:

PREVIOUS BALANCE: 4784.39
 PAYMENTS RECVD: 4784.39 CR
 BALANCE FORWARD: 0.00
 TOTAL BASIC: 4137.66
 TOTAL NONBASIC: 0.00
 TOTAL SALES TAX: 0.00

Meter Number: 324683668

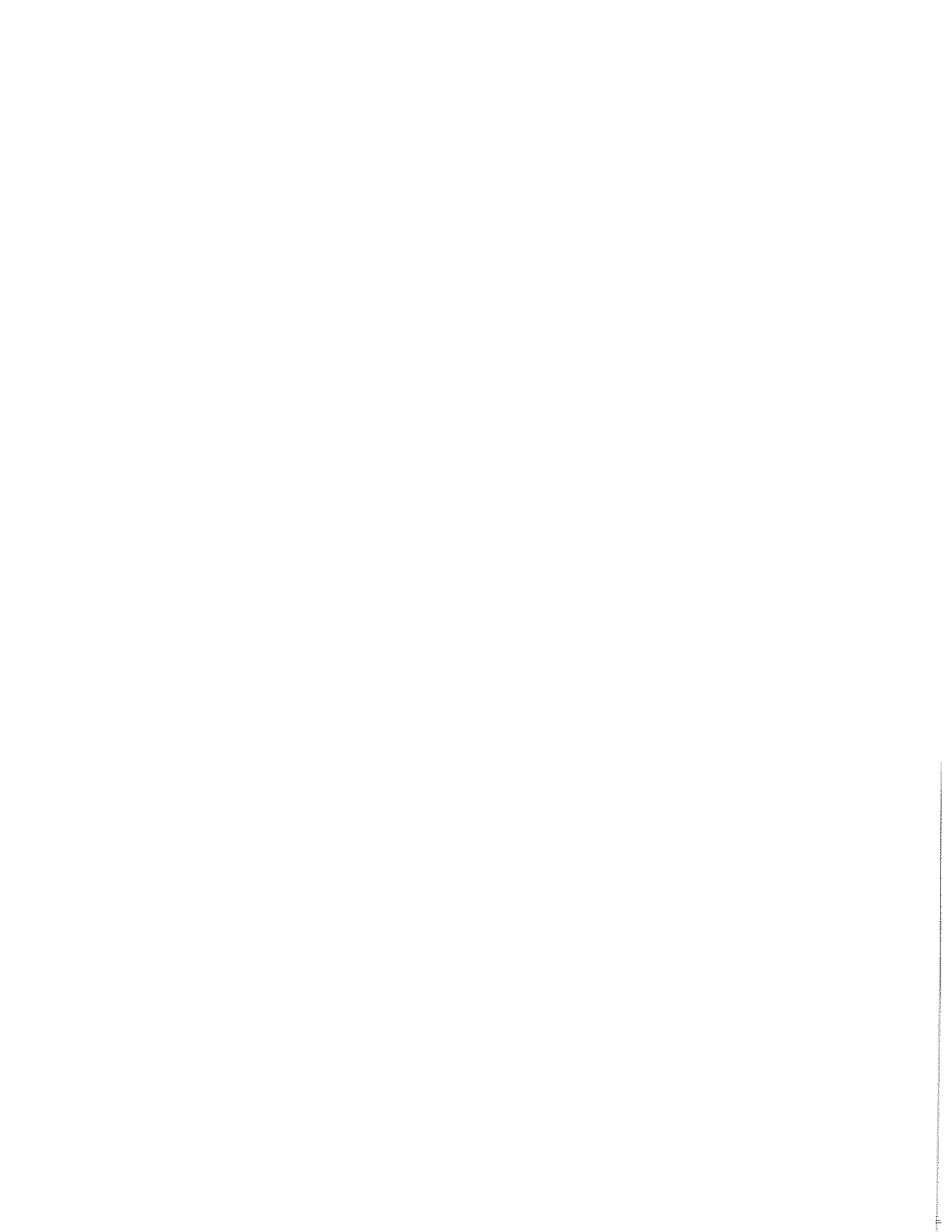
Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	4814	5080	192.000	51072	79.872
Total Yearly KWH For The Past 12 Months:					730944
Average Monthly KWH On Past 12 Months:					60912
From Date: 09/22/2020			To Date: 10/21/2020		
Total Amount Due By: 11/20/2020					REGULAR

THE CO-OP OFFICE WILL BE CLOSED NOV 11TH FOR VETERANS DAY, AND NOV 26TH AND 27TH FOR THANKSGIVING. THANK A VETERAN FOR THEIR SERVICE! HAVE A SAFE AND HAPPY THANKSGIVING!

DUE TO COVID-19, THE CO-OP WILL NOT BE COLLECTING ITEMS FOR THE LOCAL FOOD BANKS THIS YEAR. WE ENCOURAGE YOU TO TAKE ITEMS THAT YOU WOULD NORMALLY BRING TO THE CO-OP TO YOUR LOCAL FOOD BANK. THANK YOU!

NONBASIC CHARGES:







Bedford Rural Electric Cooperative, Inc.
 8846 Lincoln Highway
 PO Box 335
 Bedford PA 15522-0335

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 Office: 814-623-5101 Outage 814-623-7568

697 1 AV 0.386
 BEDFORD COUNTY JAIL
 % BEDFORD CO COMM
 200 S JULIANA ST
 BEDFORD PA 15522-1713

4 697
 C-3 P-3



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC 16627 KWH X .04089 679.88
 GEN AND TRANS CHG 16627 KWH X .03319 551.85
 28762 KWH X .02569 738.89
 ALLEGHENY FACILITY CHG 16627 KWH X .02050 340.85
 16627 KWH X .01600 266.03
 28762 KWH X .01000 287.63
 SUBTOTAL GENERATION: 2865.13

DISTRIBUTION:
 BASE CHARGE 57.00
 DISTRIBUTION CHARGE 16627 KWH X .03250 540.38
 16627 KWH X .02250 374.11
 28762 KWH X .01850 532.09
 DEMAND CHARGE 83.130 KW X 5.0000 415.68
 SUBTOTAL DISTRIBUTION: 1919.26

Meter Number: 324683668				
Meter	Previous Reading	Present Reading	Mult	KWH Used
1	4491	4814	192.000	62016
Total Yearly KWH For The Past 12 Months:				716352
Average Monthly KWH On Past 12 Months:				59696
From Date: 08/20/2020		To Date: 09/22/2020		
Total Amount Due By: 10/20/2020				REGULAR

OCTOBER IS NATIONAL CO-OP MONTH! WE ARE OWNED BY OUR MEMBERS, AND OUR MISSION IS TO SERVE YOU WITH RELIABLE ELECTRIC SERVICE AT THE LOWEST POSSIBLE COST!

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES:

PREVIOUS BALANCE: 5250.98
 PAYMENTS RECVD: 5250.98 CR
 BALANCE FORWARD: 0.00
 TOTAL BASIC: 4784.39
 TOTAL NONBASIC: 0.00
 TOTAL SALES TAX: 0.00





Delaware Rural Electric Cooperative, INC.
 8846 Lincoln Highway
 PO Box 335
 Bedford PA 15522-0335

"People you can count on"
 A Touchstone Energy® Cooperative

Office Hours: 7:30 AM - 4:00 PM Mon. - Fri.
 Office: 814-623-5101 Outage 814-623-7568

695 1 AV 0.386
 BEDFORD COUNTY JAIL
 % BEDFORD CO COMM
 200 S JULIANA ST
 BEDFORD PA 15522-1713

4 695
 C-2 P-2



BASIC CHARGES:

GENERATION: COOP PROVIDED ELEC 19392 KWH X .04089 792.94
 GEN AND TRANS CHG 19392 KWH X .03319 643.62
 27648 KWH X .02569 710.28
 ALLEGHENY FACILITY CHG 19392 KWH X .02050 397.54
 19392 KWH X .01600 310.27
 27648 KWH X .01000 276.48
 SUBTOTAL GENERATION: 3131.13

DISTRIBUTION:

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 DISTRIBUTION CHARGE 19392 KWH X .03250 630.24
 19392 KWH X .02250 436.32
 27648 KWH X .01850 511.49
 DEMAND CHARGE 96.960 KW X 5.0000 484.80
 SUBTOTAL DISTRIBUTION: 2119.85

Meter Number: 324683668					
Meter	Previous Reading	Present Reading	Mult	KWH Used	Demand Reading
1	4145	4491	192.000	66432	96.960
Total Yearly KWH For The Past 12 Months: 716352					
Average Monthly KWH On Past 12 Months: 59696					
From Date: 07/22/2020 To Date: 08/20/2020					
Total Amount Due By: 09/20/2020 REGULAR					

SCHOOL IS BACK IN SESSION! PLEASE DRIVE CAREFULLY AND WATCH FOR CHILDREN! REMEMBER TO STOP FOR SCHOOL BUSES!

THANK YOU FOR PARTICIPATING IN THE "ELECTRIC SHIFT." IT HELPS SAVE MONEY FOR ALL CO-OP MEMBERS!

NONBASIC CHARGES:

TOTAL NONBASIC CHARGES: 0.00

PREVIOUS BALANCE: 10197.16
 PAYMENTS RECVD: 10197.16 CR
 BALANCE FORWARD: 0.00
 TOTAL BASIC: 5250.98
 TOTAL NONBASIC: 0.00
 TOTAL SALES TAX: 0.00



Debra Brown

From: Debra Brown
Sent: Friday, September 10, 2021 3:32 PM
To: Linda Klotz
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: RE: Electric Bills

Thanks Linda, I appreciate your time!!

From: Linda Klotz <lklotz@bedfordcountypa.org>
Sent: Friday, September 10, 2021 3:26 PM
To: karstenlaw@gmail.com
Cc: Tracey Snyder <tsnyder@bedfordcountypa.org>; Debra Brown <DBrown@bedfordcountypa.org>
Subject: FW: Electric Bills
Importance: High

Kurt,

Electric bill attached.

Have a good weekend.

*Linda K Klotz, Finance Clerk
200 South Juliana Street ~ Suite 302
Bedford, PA 15522
Phone: 814-623-4807 ext 2260
Email: lklotz@bedfordcountypa.org*



From: Debra Brown <DBrown@bedfordcountypa.org>
Sent: Wednesday, September 1, 2021 9:28 AM
To: Tracey Snyder <tsnyder@bedfordcountypa.org>; Linda Klotz <lklotz@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: RE: Electric Bills
Importance: High

Tracy and Linda:

Please see the request below. Please cc me on response. Thanks.

Deb

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, August 31, 2021 7:02 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: Re: Electric Bills
Importance: High

Debra,

Are you able to send me the electric bills for the Bedford County Jail for the past 12 months?

Thanks!

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Mar 9, 2021, at 11:15 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Morning Sir:

Please see attached bills as per your request.

Debraq

Debra Brown, Chief Clerk
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991

<Electric Bills.pdf>

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, September 13, 2021 3:24 AM
To: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: Fwd: Bedford County Solar Project Timelines
Attachments: Bedford County Solar Project Gantt Chart Sept 2021.pdf

Commissioners,

Please see the attached. I apologize for the delay in getting this to you. Please let me know what questions you may have.

Thanks,

Kurt

----- Forwarded message -----

From: Jim Kurtz <jkurtz@rerenergygroup.com>
Date: Sat, Sep 11, 2021 at 6:31 PM
Subject: Bedford County Solar Project Timelines
To: Kurt Karsten <karstenlaw@gmail.com>
CC: Michael Mike Barnes <mbarnes@rerenergygroup.com>

Kurt

Attached are the estimated project timelines for the two Bedford County projects:

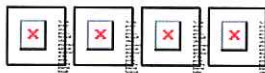
- Jail Project: 250 kW
- Reservoir Project: est. 1.2MW to offset the County's Penelec bills (we would want updated bills to size the array appropriately)

The Reservoir project would require a longer land development process, which may be completed in less than a year, but we typically see that taking at least a year.

Let us know if the Commissioners need anything else.

Thanks Jim

Jim Kurtz
President



917-304-0762
610-332-7232
jkurtz@rerenergygroup.com | rerenergygroup.com



Inc 5000 Fastest Growing Private Companies for
Four Consecutive Years

--

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

Debra Brown

From: Commissioner Dallara
Sent: Thursday, September 16, 2021 12:38 PM
To: Jim Edwards
Subject: Fwd: Bedford County Solar Project Timelines
Attachments: Bedford County Solar Project Gantt Chart Sept 2021.pdf

Jim, as discussed.

Sent from my iPhone

Begin forwarded message:

From: Kurt Karsten <karstenlaw@gmail.com>
Date: September 13, 2021 at 3:24:51 AM EDT
To: Commissioner Baughman <dbaughman@bedfordcountypa.org>, Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: Fwd: Bedford County Solar Project Timelines

Commissioners,

Please see the attached. I apologize for the delay in getting this to you. Please let me know what questions you may have.

Thanks,

Kurt

----- Forwarded message -----

From: Jim Kurtz <jkurtz@reenergygroup.com>
Date: Sat, Sep 11, 2021 at 6:31 PM
Subject: Bedford County Solar Project Timelines
To: Kurt Karsten <karstenlaw@gmail.com>
CC: Michael Mike Barnes <mbarnes@reenergygroup.com>

Kurt

Attached are the estimated project timelines for the two Bedford County projects:

- Jail Project: 250 kW
- Reservoir Project: est. 1.2MW to offset the County's Penelec bills (we would want updated bills to size the array appropriately)

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Thanks Jim

Jim Kurtz
President



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--

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184



Debra Brown

From: Commissioner Dallara
Sent: Monday, September 20, 2021 8:26 AM
To: Debra Brown
Subject: Re: Information on solar generation facility located at Bedford County

Deb, send this to Kurt Karsten of RER. The projects referenced are RER Projects.

Sent from my iPhone

On Sep 20, 2021, at 7:25 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Please see below, I am not sure if this is related to the current project or not, thanks.

Deb

From: Chris Collins <utilityresearch@ohmanalytics.com>
Sent: Friday, September 17, 2021 8:56 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Subject: Information on solar generation facility located at Bedford County

Hi,

We are a U.S. solar market research firm and are looking to get an update on the progress on the below mentioned projects with their addresses. These are big MW sized projects.

BE-ASTOR (PENELEC Zone, Bedford County, PA)
BE-Chalybeate (Bedford County, PA)

Can you please let us know if building permits have been filed or construction has started? If so, could you please let us know how to obtain a copy of the building permits or any special/conditional use permits?

If this is not the right contact to seek this information, could you please provide contacts(preferably email address) for the correct department/person who might have these documents?

Please let us know if you have any questions.

Thanks,
Chris

Chris Collins
San Diego, CA 92130

utilityresearch@ohmanalytics.com

www.OhmAnalytics.com

Ohm  Analytics

Linked 

Debra Brown

From: Larry Myers <Larry.Myers@se.com>
Sent: Friday, December 3, 2021 4:45 PM
To: Commissioner Dallara
Subject: Solar panels at old reservoir
Attachments: Bedford County Milburn Reservoir CSUNs Preliminary Helioscope with Tree Lines 2021 1202.pdf

Barry:

Barb Diehl passed a design that RER has developed for the Milburn Dam area for the balance of the Bedford County solar array. Are you familiar with the design that RER has in mind? I assume that the Commissioners have been kept in the loop, but simply wanted to ask.

The design is attached.

Larry

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services
larry.myers@se.com

D +1 814.937.7602
W www.se.com/us/enable

138 Arandale Street
Bedford, PA 15522
United States

Facebook: <https://www.facebook.com/SchneiderElectricESS>
LinkedIn: <https://www.linkedin.com/company/schneider-electric-energy-sustainability/>
Twitter: <https://twitter.com/SchneiderESS>

Ranked #1 Energy Service Company
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Life Is On | Schneider Electric

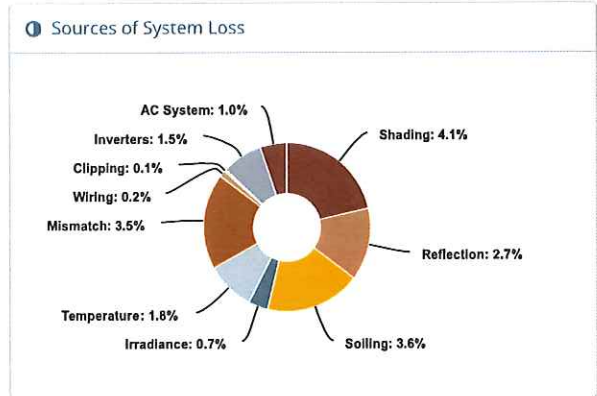
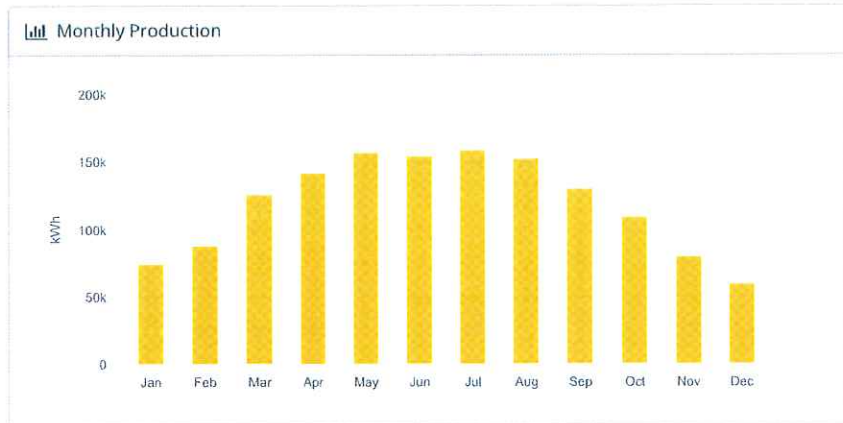
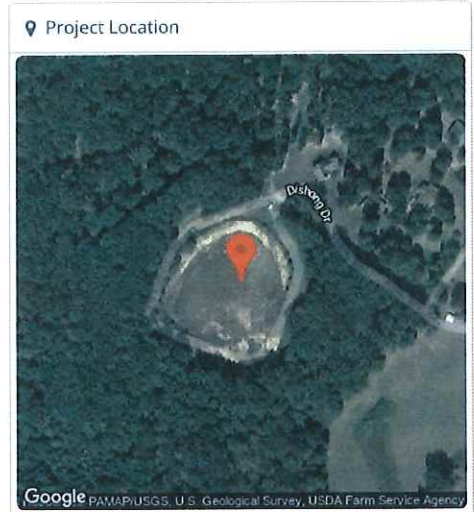
[B](#) [f](#) [t](#) [in](#)

Internal

325W CSUNs Design 2021 1202 Bedford Milburn Reservoir, 40.007232, -78.533325

Report	
Project Name	Bedford Milburn Reservoir
Project Address	40.007232, -78.533325
Prepared By	Andrew Biederman abiederman@reenergygroup.com

System Metrics	
Design	325W CSUNs Design 2021 1202
Module DC Nameplate	1.11 MW
Inverter AC Nameplate	960.0 kW Load Ratio: 1.16
Annual Production	1,437 GWh
Performance Ratio	82.3%
kWh/kWp	1,292.4
Weather Dataset	TMY, (40.0234 -78.5241), null (custom)
Simulator Version	f32791ae32-2bc0e40f0c-8e3c28cfc5-f831c3d7b8



Annual Production

	Description	Output	% Delta
Irradiance (kWh/m ²)	Annual Global Horizontal Irradiance	1,389.5	
	POA Irradiance	1,570.3	13.0%
	Shaded Irradiance	1,505.6	-4.1%
	Irradiance after Reflection	1,465.2	-2.7%
	Irradiance after Soiling	1,413.1	-3.6%
	Total Collector Irradiance	1,413.1	0.0%
Energy (kWh)	Nameplate	1,571,855.9	
	Output at Irradiance Levels	1,560,296.2	-0.7%
	Output at Cell Temperature Derate	1,531,892.2	-1.8%
	Output After Mismatch	1,477,648.7	-3.5%
	Optimal DC Output	1,474,274.5	-0.2%
	Constrained DC Output	1,473,132.6	-0.1%
	Inverter Output	1,451,019.0	-1.5%
	Energy to Grid	1,436,508.8	-1.0%
Temperature Metrics			
	Avg. Operating Ambient Temp		12.6 °C
	Avg. Operating Cell Temp		20.6 °C
Simulation Metrics			
	Operating Hours	4575	
	Solved Hours	4575	

Condition Set													
Description	Condition Set 1												
Weather Dataset	TMY, (40.0234 -78.5241), null (custom)												
Solar Angle Location	Meteo Lat/Lng												
Transposition Model	Perez Model												
Temperature Model	Diffusion Model												
Temperature Model Parameters	Rack Type				U _{const}				U _{wind}				
	Fixed Tilt				29				0				
	Flush Mount				15				0				
	East-West				29				0				
Soiling (%)	Carport				29				0				
		J	F	M	A	M	J	J	A	S	O	N	D
		9.34	11.72	6.32	3.02	1.78	1.5	1.5	1.5	1.5	1.5	3.6	8.46
	Irradiation Variance	5%											
	Cell Temperature Spread	4° C											
	Module Binning Range	-2.5% to 2.5%											
	AC System Derate	1.00%											
	Module Characterizations	Module				Uploaded By				Characterization			
			CSUN325-72P (CSUN)				Folsom Labs				Spec Sheet Characterization, PAN		
	Component Characterizations	Device				Uploaded By				Characterization			

Components		
Component	Name	Count
Inverters	CPS SCA60KTL-DO/480 (Chint)	16 (960.0 kW)
Strings	10 AWG (Copper)	190 (43,172.6 ft)
Module	CSUN, CSUN325-72P (325W)	3,420 (1.11 MW)

Wiring Zones			
Description	Combiner Poles	String Size	Stringing Strategy
Wiring Zone	-	18-18	Along Racking

Field Segments									
Description	Racking	Orientation	Tilt	Azimuth	Intrarow Spacing	Frame Size	Frames	Modules	Power
Field Segment 1	Fixed Tilt	Portrait (Vertical)	25°	180°	17.0 ft	2x18	95	3,420	1.11 MW

Detailed Layout



HelioScope

325W CSUNs Design 2021 1202 Bedford Milburn Reservoir, 40.007232, -78.533325

Report

Project Name: Bedford Milburn Reservoir
 Project Address: 40.007232, -78.533325
 Prepared By: Andrew Blederman
 ablederman@renergysgroup.com

System Metrics

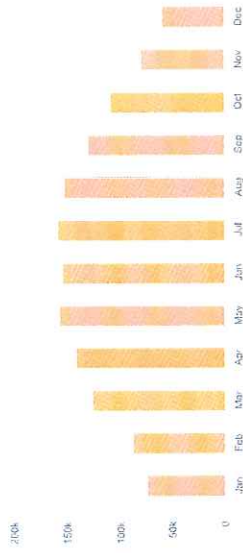
Design: 325W CSUNs Design 2021 1202
 Module DC Nameplate: 1.11 MW
 Inverter AC Nameplate: 960.0 kW
 Load Ratio: 1.16
 Annual Production: 1,437 GWh
 Performance Ratio: 82.3%
 kWh/kWp: 1,292.4
 Weather Dataset: TMY, (40.0234, -78.5241), null (custom)
 Simulator Version: (32791ae322bc0e40f0c8a2c8c1e5-1831c3d7b8)

Project Location

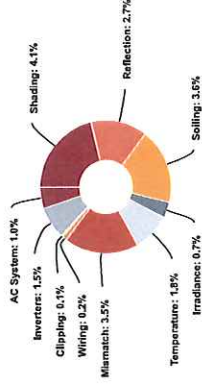


Google Earth Pro © 2021 U.S. Geological Survey, USDA Farm Service Agency

Monthly Production



Sources of System Loss



Annual Production

Description	Output	% Delta
Annual Global Horizontal Irradiance	1,389.5	
POA Irradiance	1,570.3	13.0%
Shaded Irradiance	1,505.6	-4.1%
Irradiance after Reflection	1,465.2	-2.7%
Irradiance after Soiling	1,413.1	-3.6%
Total Collector Irradiance	1,413.1	0.0%
Nameplate	1,571,855.9	
Output at Irradiance Levels	1,560,296.2	-0.7%
Output at Cell Temperature Derate	1,531,892.2	-1.8%
Output After Mismatch	1,477,648.7	-3.5%
Optimal DC Output	1,474,274.5	-0.2%
Constrained DC Output	1,473,132.6	-0.1%
Inverter Output	1,451,019.0	-1.5%
Energy to Grid	1,436,508.8	-1.0%
Temperature Metrics		
Avg. Operating Ambient Temp	12.6 °C	
Avg. Operating Cell Temp	20.6 °C	
Simulation Metrics		
Operating Hours	4575	
Solved Hours	4575	

Condition Set

Description	Condition Set 1												
Weather Dataset	TMY, 140,0234-78,5241, null (custom)												
Solar Angle Location	Mateo La Brea												
Transposition Model	Perez Model												
Temperature Model	Diffusion Model												
Rack Type	U	o	o	o	o	o	o	o	o	o	o	o	o
Fixed Tilt	29	0	0	0	0	0	0	0	0	0	0	0	0
Flush Mount	15	0	0	0	0	0	0	0	0	0	0	0	0
East-West	29	0	0	0	0	0	0	0	0	0	0	0	0
Carport	29	0	0	0	0	0	0	0	0	0	0	0	0
Soiling (%)	J	F	M	A	M	J	J	A	S	O	N	D	
	9.24	11.72	6.32	3.02	1.78	1.5	1.5	1.5	1.5	1.5	3.6	8.46	
Irradiation Variance	5%												
Cell Temperature Spread	4 °C												
Module Binning Range	-2.5% to 2.5%												
AC System Derate	1.00%												
Module Characterizations	CSUN325-72P (CSUN) Folsom Labs												
Component Characterizations	Device Uploaded By Characterization												

Components

Component Name	Count	Wiring Zones
Inverters CFS SCA60KTL-U0/A80 (Chint)	15 (960.0 kW)	Description Wiring Zone
Strings 10 AWG (Copper)	190 (43,172.6 ft)	
Module CSUN, CSUN325-72P (325W)	3,420 (1,111 MW)	Description Field Segment 1
		Racking Fixed Tilt
		Orientation Portrait (Vertical)
		Tilt 25°
		Azimuth 190°
		Intraw Spacing 17.0 ft
		String Size 18-18
		Combiner Poles
		Stringing Strategy Along Backing
		Frame Size 2x19
		Modules 95
		Power 3,420
		1,111 kW

Detailed Layout



Debra Brown

From: Commissioner Dallara
Sent: Saturday, December 4, 2021 7:20 AM
To: Larry Myers
Subject: Re: Solar panels at old reservoir

We were informed about it but we have t seen the details.

Sent from my iPhone

On Dec 3, 2021, at 4:45 PM, Larry Myers <Larry.Myers@se.com> wrote:

Barry:

Barb Diehl passed a design that RER has developed for the Milburn Dam area for the balance of the Bedford County solar array. Are you familiar with the design that RER has in mind? I assume that the Commissioners have been kept in the loop, but simply wanted to ask.

The design is attached.

Larry

Larry F. Myers, PE, CEM, GBE

Sales Team Leader, Northeast
Energy & Sustainability Services
larry.myers@se.com

D +1 814.937.7602
W www.se.com/us/enable

138 Arandale Street
Bedford, PA 15522
United States

Facebook: <https://www.facebook.com/SchneiderElectricESS>
LinkedIn: <https://www.linkedin.com/company/schneider-electric-energy-sustainability/>
Twitter: <https://twitter.com/SchneiderESS>

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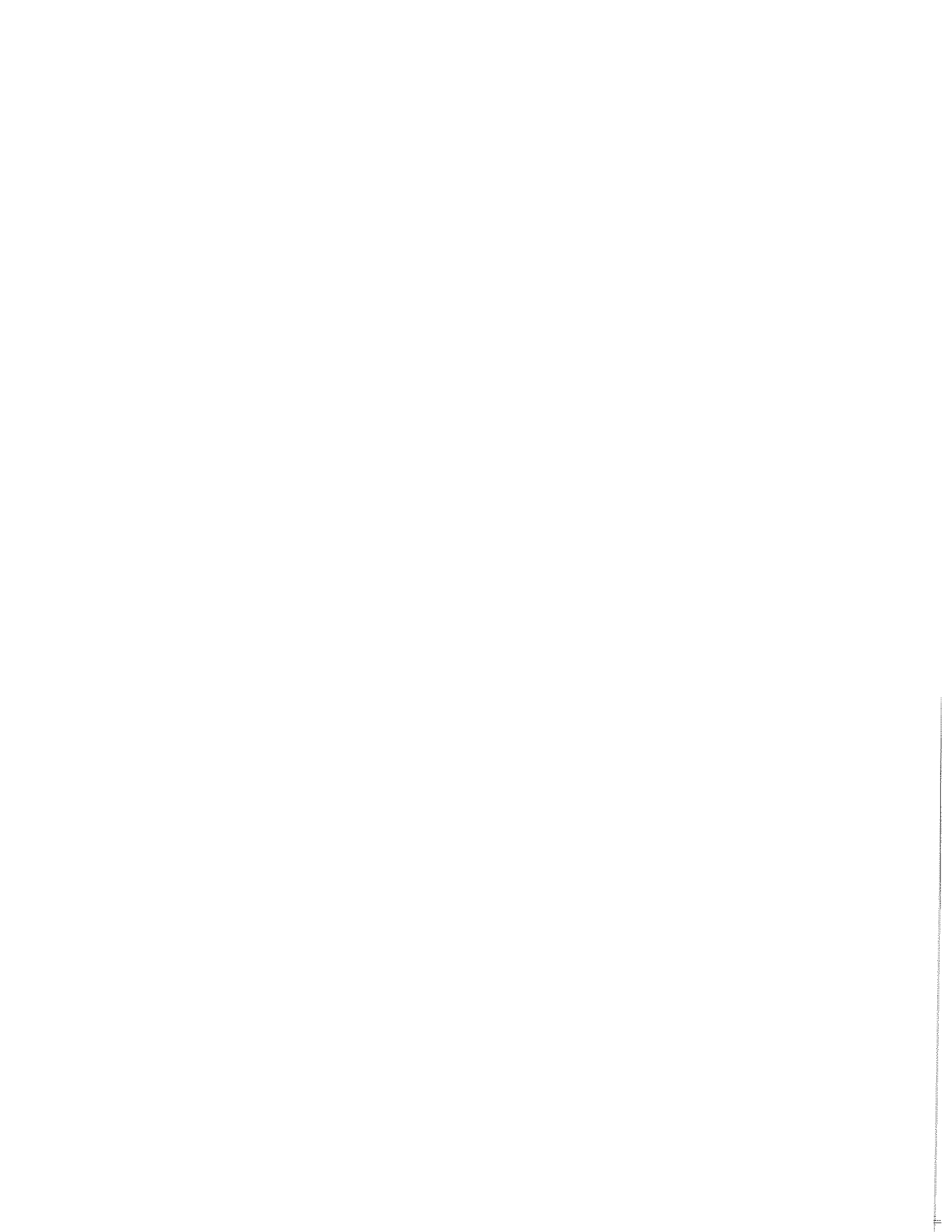
<image003.gif>

<image004.gif>

<image005.gif>

Internal

<Bedford County Milburn Reservoir CSUNs Preliminary Helioscope with Tree Lines 2021 1202.pdf>



Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Monday, December 6, 2021 2:34 PM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: Re: Teleconference Call

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Commissioners,

I wanted to provide a brief update on the status of the Bedford County solar project, with what I believe is good news. RER has been able to secure a relocation and extension of the Commonwealth Financing Authority Grant from the CFA which will allow the project to be built on both the Jail site and a portion of leased land that we believe will be made available by the Borough of Bedford Water Authority at their Milburn reservoir. That parcel of land is in Penelec territory, and from that location RER will be able to directly net meter the load for the courthouse and other Bedford County meters that are within two miles and which are in Penelec territory served by Penelec meters. That system will likely be between 1.1 - 1.3 MW in size. RER has also reached an agreement with BREC to proceed with a smaller project at the Jail location for the maximum allowed by their electricity supplier, Allegheny Electric Coop. Which will be a 100 KW system. The revised interconnection application for that project is being prepared. The proposed lease for the Milburn Reservoir site is being reviewed for a second time next Monday afternoon by the Borough of Bedford Water Authority.

As a result of the above, RER is dismissing the Petition pending at the Public Service Commission. Once the Lease with the Borough of Bedford is executed, RER will be moving forward with permitting the reservoir location at the same time that they will be moving forward with permitting the project at the Jail. Construction is anticipated to be completed in the fall of 2022, assuming the supply chain issues for solar equipment continues to ease as it has been the last month or so.

Please let me know of any follow up questions.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Aug 30, 2021, at 6:17 PM, Kurt Karsten <karstenlaw@gmail.com> wrote:

Yes

On Mon, Aug 30, 2021 at 4:33 PM Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good afternoon:

Could you do 10:30 a.m. on the 2nd?

Deb

From: Kurt Karsten <karstenlaw@gmail.com>

Sent: Monday, August 30, 2021 2:06 PM

To: Debra Brown <DBrown@bedfordcountypa.org>

Cc: Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>

Subject: Re: Teleconference Call

Importance: High

Debra,

If the following times are still available, I could do a call at 1:30 pm on Wednesday, September 1st or at 11 am on Thursday, September 2nd.

Thanks,

Kurt

Kurt D. Karsten, Esq.

[621 Ridgely Ave.](#)

[Suite 402](#)

[Annapolis, MD 21401](#)

410-991-3184

KarstenLaw@gmail.com

On Aug 26, 2021, at 2:14 PM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Afternoon:

As a follow up to my phone call, here are a few dates and times in which the commissioners are available for a teleconference call:

August 31 – 11 a.m. or 2:00 p.m.

Sept. 1 – 10:30 a.m., 1:30 p.m. or 2:30 p.m.

Sept. 2 – 10:30 a.m. or 1: 30 p.m.

Please let me know what date and time works best for your schedule. I appreciate it, enjoy the rest of your day!

Debra

Debra Brown, Chief Clerk/Director of Elections

[200 South Juliana Street ~ Suite 301](#)

[Bedford, PA 15522](#)

Email: dbrown@bedfordcountypa.org

Phone: 814-623-4807

Fax: 814-623-0991

--

Kurt D. Karsten, Esq.
621 Ridgely Avenue
Suite 402
Annapolis, MD 21401
410-991-3184

Debra Brown

From: Commissioner Dallara
Sent: Friday, December 17, 2021 7:38 AM
To: Commissioner Baughman; Commissioner Frederick; Joy Lepako; Debra Brown
Subject: "Bedford County Commissioners" Annual Newsletter DRAFT for front page article

"Bedford County Commissioners"

Annual

Newsletter :

The Bedford County Commissioners believe it appropriate to provide citizens with important information from time to time. As we look back on the highlights of the 2021 calendar year and look forward to the priorities that will highlight the 2022 calendar year we believe our county is one of the best places to live in our entire state. We also believe that we are here to serve.

As we look forward to 2022 we will continue to do everything within the jurisdiction of county government to insure the safety and security and general well being of all of our citizens.

In 2021 we worked diligently to mitigate the impact of the Corona Virus, Share state funded resources to those that qualified for assistance,(Over \$500,000.00) to local businesses. We implemented a three year plan to improve broadband accessibility in underserved areas of our county, we restructured several departments within county government that will insure we comply with all federal, state and local mandates as we strive to be better partners with those we do business with.

Our Goals for 2022 are best summarized in four categories:

1. Continue to expand and improve broadband infrastructure throughout Bedford County and support all efforts to improve and expand traditional infrastructure, needs, i.e.(municipal water, sewer and roads.
2. Continue to do everything possible to mitigate the negative impact of the Corona Virus. Our major effort will be to improve the vents Latino systems of all county facilities and support the efforts of others to do so.
3. Provide the support to the criminal justice in whatever capacity needed to reduce the rate of recitivism at our BCCF.
4. Capitalize whenever possible on solar energy projects and other green initiatives that would benefit the taxpayers of Bedford County.

In closing, we are committed to operating county Government in the most effective, efficient and responsible manner possible. There is not a day that passes that we are required to make decisions that test the balance the NEED to provide a safe,secure and wholesome environment within the county and our county and our responsibility-to those who pay for the services we provide.

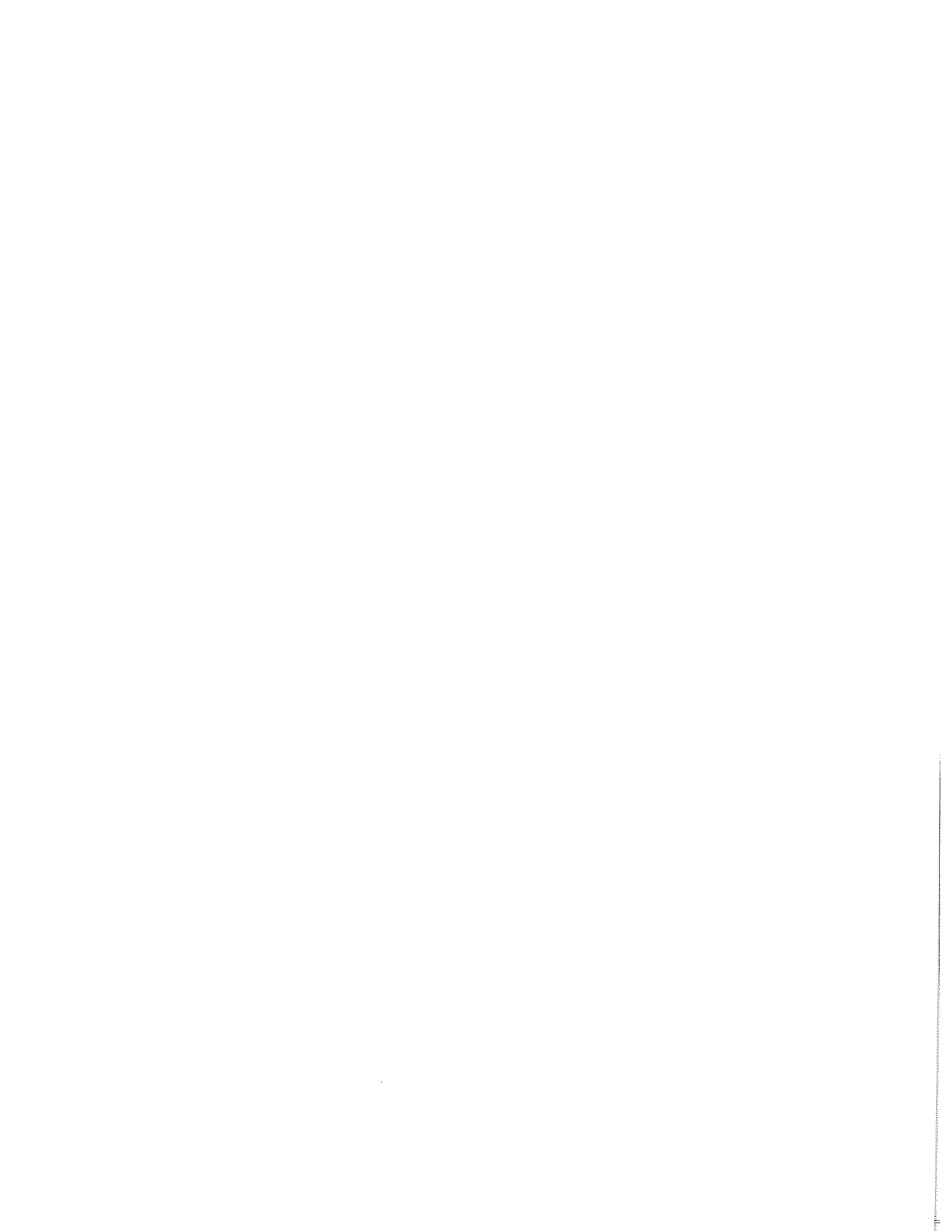
Sent from my iPhone

Debra Brown

From: Commissioner Dallara
Sent: Friday, January 7, 2022 8:22 AM
To: Commissioner Baughman; Commissioner Frederick; Debra Brown; Joy Lepako; Mike Samson; Tracey Snyder
Subject: County things to do:

County things to do:

1. Develop a plan to summarize all broadband work to be completed in 2022.
2. Where is response from Atty Allison regarding our request for how our required changes to the Airport Authority By-Laws are a violation of the state code governing Authorities
3. Get summary of external audit report from Mike Lamb. Identify any possible corrective actions or concerns and provide the commissioners with the audited fund balance as of Dec 31, 2020. Total and cash fund balances.
4. Inform Finance to not approve any large purchases i.e., \$5,000.00 or more w/o The BOC Approving it.
5. Get finance to prepare sample budget reports to be provided to all department heads monthly once approved by the BOC.
6. Require SACG to provide the county with a pro forma that projects fiscal needs for the 2022,2023 and 2024 fiscal years & possible tax increases that may be needed.
7. What is the status of the RTK Request about the DOC audit report about the BCCF From January of 2021.
8. Get an updated timeline on all work being coordinated by Scheinder Electric
9. Everett magistrates office re-location VERY IMPORTANT. If we move it will it impact our voting location?
10. Status of Planing Commission Director Search?
11. Mtg with Director of CYS Agenda and change it to a meeting the salary board.and write a letter to CYS Director to explain our expectations for the meeting.
12. Update the policy for acceptable use of county technology use and the time we are required to keep emails and other communication files,i.e. e-mails.
13. Update and approve employee handbook in February of 2022.
14. Status of Loysburg Gap footbridge replacement
15. Plan to spray insecticide on covered bridges, reject bid(s)received in Dec.
16. Develop schedule for all courthouse painting to be completed in 2022
17. Confirm with RER Energy that the solar project approved by the Commonwealth Financing Authority in 2018, will be completed illy Sep of 2022, and request monthly status reports starting in January of 2022.
18. Coordinate with the county grant writer what grants are being written or have potential to be written.
19. Status of OPIOID Litigation and determine what the chances of getting a significant settlement are.
20. Prepare for the CBA negotiations with the Court Related Bargaining Unit.
21. Development of a policy to allow the transfer of sick leave among non bargaining unit personnel on a voluntary basis.
22. Support the ongoing continuous improvement efforts. I.e., 12 hour shifts, internal training programs and certification of the BCCF to train CO'o from other Correctional Facilities, better transition programs for inmates being released from the BCCF.
23. Status of all personnel vacancies.



Debra Brown

From: Commissioner Baughman
Sent: Friday, January 7, 2022 8:33 AM
To: Commissioner Dallara
Subject: Re: County things to do:

I hope to be in later this morning to talk with you. I have a few more things to add to the list you sent. I also already had worked up broadband commitments and amounts to share with you when commissioners were back together. I have a doctor appt in altoona at 1:30 so I will need to leave courthouse at 12:30. Shooting to be there around 10:30 to allow for roadway improvement. Will you be there by mid or late morning?

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Friday, January 7, 2022 8:21:46 AM
To: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>; Debra Brown <DBrown@bedfordcountypa.org>; Joy Lepako <jlepako@bedfordcountypa.org>; Mike Samson <msamson@susacs.com>; Tracey Snyder <tsnyder@bedfordcountypa.org>
Subject: County things to do:

County things to do:

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2. Where is response from Atty Allison regarding our request for how our required changes to the Airport Authority By-Laws are a violation of the state code governing Authorities
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23. Status of all personnel vacancies.

Sent from my iPhone

Debra Brown

From: Angie Ferguson
Sent: Friday, January 14, 2022 11:07 AM
To: Commissioner Dallara; Commissioner Baughman; Commissioner Frederick
Cc: Debra Brown; Marianne@pacodealliance.com
Subject: FW: 425 Imlertown Road - Bedford Twp - BED - Solar Panels

FYI

From: Marianne - PMCA <Marianne@pacodealliance.com>
Sent: Friday, January 14, 2022 10:42 AM
To: Angie Ferguson <Aferguson@bedfordcountypa.org>
Subject: 425 Imlertown Road - Bedford Twp - BED - Solar Panels

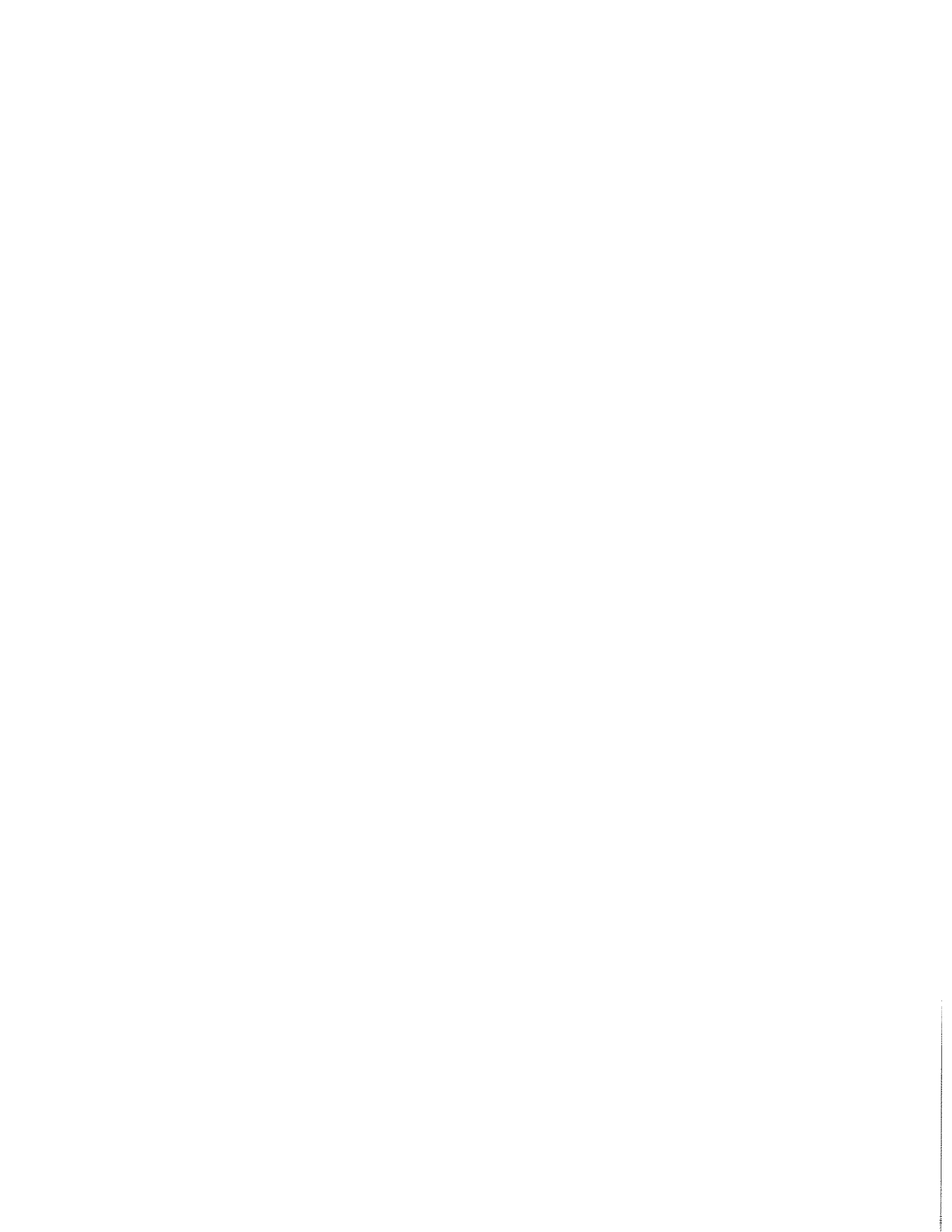
Good morning Angie,

I'm working on the accumulation of deteriorating solar panels over at the correctional facility and wanted to touch base with the commissioners before I send out a notice to the panel owners. Can you get me in touch with them?

Thanks so much!!!

Marianne Coats

Code Enforcement Officer
PA Municipal Code Alliance
380 Wayne Avenue
Chambersburg, PA 17201
717 496-4996 x 124
717 446-0586 Fax
Email: marianne@pacodealliance.com



Debra Brown

From: Commissioner Dallara
Sent: Friday, January 14, 2022 12:59 PM
To: Kurt Karsten
Subject: Fwd: 425 Imlertown Road - Bedford Twp - BED - Solar Panels

Kurt, I am out of the office until next Tuesday. She called the office today to talk to me. I can talk to this person next week, but I really believe your company as the owner should address this with them. We were not told anything as to why this is being investigated. I have forwarded your contact info to her.

Sent from my iPhone

Begin forwarded message:

From: Angie Ferguson <Aferguson@bedfordcountypa.org>
Date: January 14, 2022 at 11:07:23 AM EST
To: Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>, Commissioner Frederick <CFrederick@bedfordcountypa.org>
Cc: Debra Brown <DBrown@bedfordcountypa.org>, Marianne@pacodealliance.com
Subject: FW: 425 Imlertown Road - Bedford Twp - BED - Solar Panels

FYI

From: Marianne - PMCA <Marianne@pacodealliance.com>
Sent: Friday, January 14, 2022 10:42 AM
To: Angie Ferguson <Aferguson@bedfordcountypa.org>
Subject: 425 Imlertown Road - Bedford Twp - BED - Solar Panels

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Code Enforcement Officer
PA Municipal Code Alliance
380 Wayne Avenue
Chambersburg, PA 17201
717 496-4996 x 124
717 446-0586 Fax
Email: marianne@pacodealliance.com

Debra Brown

From: Commissioner Dallara
Sent: Friday, January 14, 2022 1:42 PM
To: marianne@pacodealliance.com
Subject: Kurt Karsten
Attachments: Kurt Karsten.vcf

FYI

Sent from my iPhone

Debra Brown

From: Marianne - PMCA <Marianne@pacodealliance.com>
Sent: Friday, January 14, 2022 1:47 PM
To: Commissioner Dallara
Subject: RE: Kurt Karsten

Thank you, I have saved the contact information. I wanted to get in touch with you to make sure you are aware of situation and see if there is any information you think I should have before proceeding to issue a Notice of Violation to RER/BL Companies. I will copy the Commissioners on the Notice so you will have it for your files.

Yours,

Marianne Coats

Code Enforcement Officer
PA Municipal Code Alliance
380 Wayne Avenue
Chambersburg, PA 17201
717 496-4996 x 124
717 446-0586 Fax
Email: marianne@pacodealliance.com

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Sent: Friday, January 14, 2022 1:42 PM
To: Marianne - PMCA <Marianne@pacodealliance.com>
Subject: Kurt Karsten

FYI

Sent from my iPhone

Debra Brown

From: Debra Brown
Sent: Monday, January 24, 2022 1:41 PM
To: KarstenLaw@gmail.com
Cc: Commissioner Dallara; Commissioner Baughman; Commissioner Frederick
Subject: teleconference

Good Afternoon:

Could you please give me a few dates in February that you would be available for a teleconference call with the commissioners regarding the solar project, thanks.

Debra

*Debra Brown, Chief Clerk/Director of Elections
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991*

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, February 3, 2022 1:30 PM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: Re: Teleconference Meeting 2nd attempt

Debra,

I apologize for the slow reply here - I was away from the office (actually getting married and then on my honeymoon) and out of cell/internet coverage. Would it be possible to schedule this call for a day and time on February 14, 15, 16, or 22?

Thanks,

Kurty

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Feb 3, 2022, at 10:55 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Afternoon:

This is a follow up to my voice mail message. Will you be available to have a teleconference meeting with the Commissioners on Feb. 9th at 10:00 a.m. If so, please respond to this email and I will send you the calendar invite.

Debra

Debra Brown, Chief Clerk/Director of Elections
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991



Debra Brown

From: Debra Brown
Sent: Tuesday, February 8, 2022 9:36 AM
To: Kurt Karsten
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: RE: Teleconference Meeting 2nd attempt

Good morning Kurt:

Congratulations!! That is great news! Would the 23rd at 10:00 a.m. work for you? If so, I will add it to the calendar and send you the call in information. Please let me know if this date works for you, I would appreciate it.

Debra

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, February 3, 2022 1:30 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: Re: Teleconference Meeting 2nd attempt
Importance: High

Debra,

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200 South Juliana Street ~ Suite 301

Bedford, PA 15522

Email: dbrown@bedfordcountypa.org

Phone: 814-623-4807

Fax: 814-623-0991

Debra Brown

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, February 8, 2022 9:56 AM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Subject: Re: Teleconference Meeting 2nd attempt

Debra,

I'm sorry that I did not get back with you yet - is the February 15th date still available? I am available for that time and date if it is. Unfortunately, I'll be on a plane most of the day on the 23rd, though I'll be in between flights from 2:30 - 3:30 (assuming the flights are on time) going to visit my daughter.

Thanks,

Kurt

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

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Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: Re: Teleconference Meeting 2nd attempt
Importance: High

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Kurty

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
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200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991

Debra Brown

From: Debra Brown
Sent: Tuesday, February 8, 2022 11:50 AM
To: Kurt Karsten
Subject: RE: Teleconference Meeting 2nd attempt

Yes, I added it to the calendar and sent you the invite with call in information. Thank you.

Debra

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Tuesday, February 8, 2022 9:56 AM
To: Debra Brown <DBrown@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
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621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Feb 8, 2022, at 9:36 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good morning Kurt:

Congratulations!! That is great news! Would the 23rd at 10:00 a.m. work for you? If so, I will add it to the calendar and send you the call in information. Please let me know if this date works for you, I would appreciate it.

Debra

From: Kurt Karsten <karstenlaw@gmail.com>
Sent: Thursday, February 3, 2022 1:30 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Cc: Commissioner Baughman <dbaughman@bedfordcountypa.org>; Commissioner Dallara <cdallara@bedfordcountypa.org>; Commissioner Frederick <CFrederick@bedfordcountypa.org>
Subject: Re: Teleconference Meeting 2nd attempt
Importance: High

Debra,

I apologize for the slow reply here - I was away from the office (actually getting married and then on my honeymoon) and out of cell/internet coverage. Would it be possible to schedule this call for a day and time on February 14, 15, 16, or 22?

Thanks,

Kurty

Kurt D. Karsten, Esq.
621 Ridgely Ave.
Suite 402
Annapolis, MD 21401
410-991-3184
KarstenLaw@gmail.com

On Feb 3, 2022, at 10:55 AM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good Afternoon:

This is a follow up to my voice mail message. Will you be available to have a teleconference meeting with the Commissioners on Feb. 9th at 10:00 a.m. If so, please respond to this email and I will send you the calendar invite.

Debra

*Debra Brown, Chief Clerk/Director of Elections
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991*

Debra Brown

From: Commissioner Dallara
Sent: Tuesday, February 8, 2022 3:07 PM
To: Debra Brown
Subject: Accepted: Teleconference with Kurt Karsten

Debra Brown

From: Debra Brown
Sent: Wednesday, February 9, 2022 5:06 PM
To: Commissioner Dallara; Commissioner Baughman; Commissioner Frederick
Subject: FW: Old solar panels

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Good afternoon:

Please see email below.

Deb

From: Matthew Stanton <mattestanton@gmail.com>
Sent: Wednesday, February 9, 2022 3:23 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Subject: Old solar panels

Hi Deborah,

We spoke the other day about the solar panels at the Bedford County Jail.
Could you please tell me what the latest status is on those ?
I work with some groups that send a lot of panels to the Caribbean for some interesting off-grid projects.
Panels like yours that are presumably out of warranty bc of unusual circumstances but still work fine are perfect. We can arrange to collect them and help with any administrative annoyances. Also make a payment depending on the condition of the equipment.

Let me know if there's a good time to connect.
Thank you and have a nice day.

Best,
Matt Stanton
(603) 203-5097

Debra Brown

From: Commissioner Dallara
Sent: Thursday, February 10, 2022 11:16 AM
To: Debra Brown
Cc: Commissioner Baughman; Commissioner Frederick
Subject: Re: Old solar panels

Deb, please forward to Kurt Karsten and let him know we must hear that we are making progress on our conference call next week.

Sent from my iPhone

On Feb 9, 2022, at 5:05 PM, Debra Brown <DBrown@bedfordcountypa.org> wrote:

Good afternoon:

Please see email below.

Deb

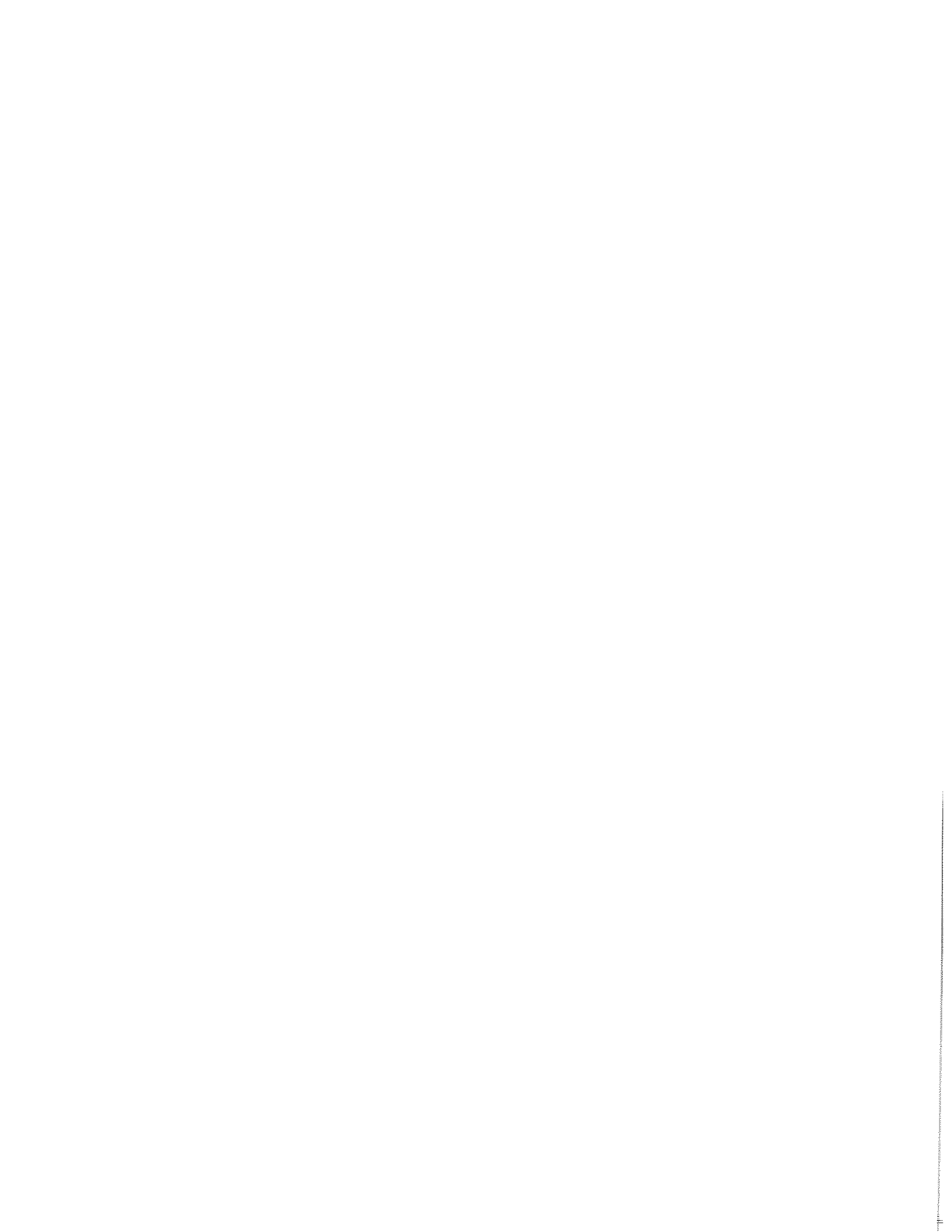
From: Matthew Stanton <mattestanton@gmail.com>
Sent: Wednesday, February 9, 2022 3:23 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Subject: Old solar panels

Hi Deborah,

We spoke the other day about the solar panels at the Bedford County Jail. Could you please tell me what the latest status is on those ? I work with some groups that send a lot of panels to the Caribbean for some interesting off-grid projects. Panels like yours that are presumably out of warranty bc of unusual circumstances but still work fine are perfect. We can arrange to collect them and help with any administrative annoyances. Also make a payment depending on the condition of the equipment.

Let me know if there's a good time to connect.
Thank you and have a nice day.

Best,
Matt Stanton
(603) 203-5097



Debra Brown

From: Debra Brown
Sent: Thursday, February 10, 2022 11:20 AM
To: KarstenLaw@gmail.com
Cc: Commissioner Dallara
Subject: FW: Old solar panels

Good morning Attorney Karsten:

Please see email thread below. We hope there is progress to report at the teleconference call next week on February 15th at 2:30 p.m. Thank you.

Debra

Debra Brown, Chief Clerk/Director of Elections
200 South Juliana Street ~ Suite 301
Bedford, PA 15522
Email: dbrown@bedfordcountypa.org
Phone: 814-623-4807
Fax: 814-623-0991

From: Matthew Stanton <mattestanton@gmail.com>
Sent: Wednesday, February 9, 2022 3:23 PM
To: Debra Brown <DBrown@bedfordcountypa.org>
Subject: Old solar panels

Hi Deborah,

We spoke the other day about the solar panels at the Bedford County Jail.

Could you please tell me what the latest status is on those ?

I work with some groups that send a lot of panels to the Caribbean for some interesting off-grid projects.

Panels like yours that are presumably out of warranty bc of unusual circumstances but still work fine are perfect. We can arrange to collect them and help with any administrative annoyances. Also make a payment depending on the condition of the equipment.

Let me know if there's a good time to connect.

Thank you and have a nice day.

Best,
Matt Stanton
(603) 203-5097

Debra Brown

Subject: Teleconference with Kurt Karsten
Location: Commissioners Suite

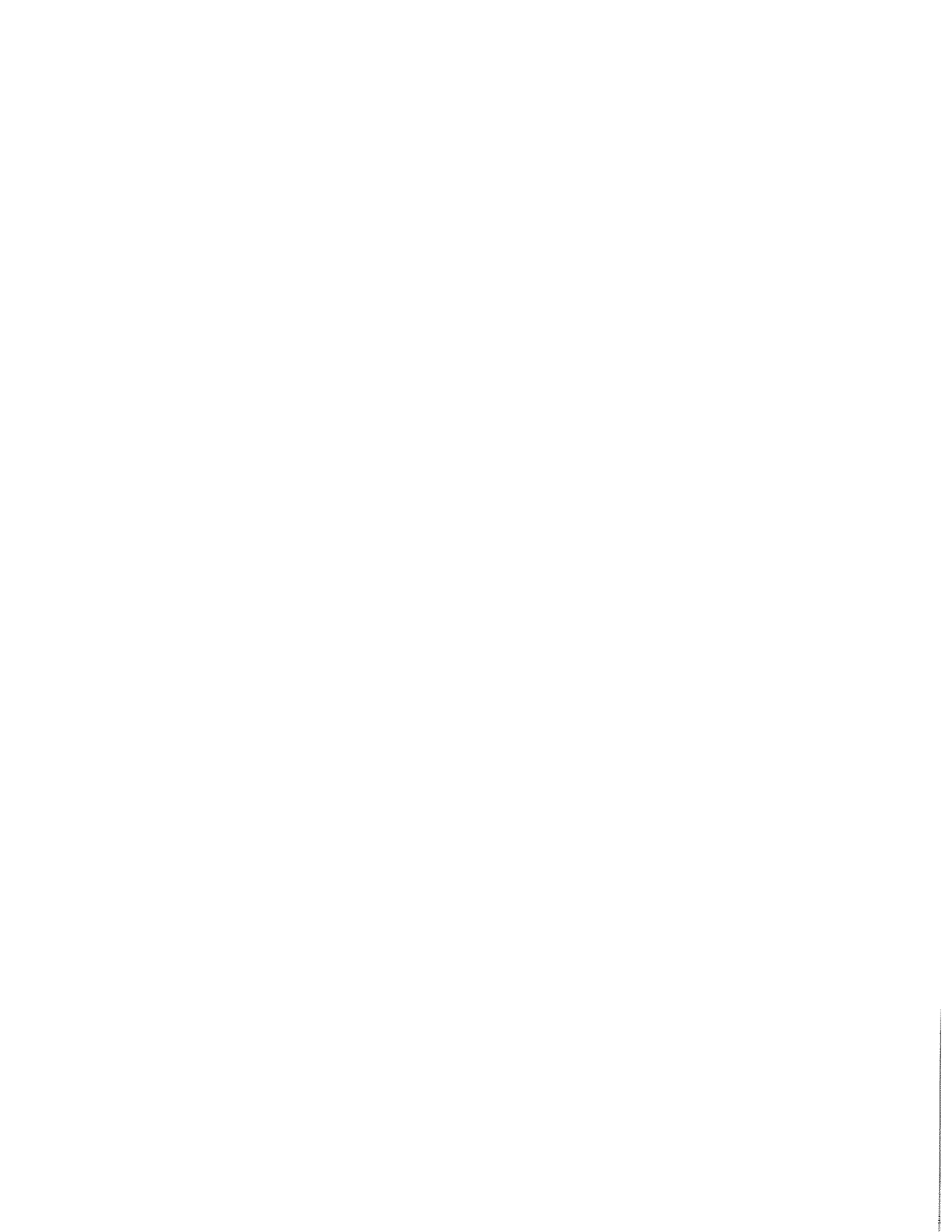
Start: Tue 2/15/2022 2:30 PM
End: Tue 2/15/2022 3:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick; Kurt Karsten
Optional Attendees: Angie Ferguson

Call in number: 814-624-2660 ID: 2700# Passcode: 2700#



Debra Brown

Subject: Teleconference with Kurt Karsten
Location: Commissioners Suite

Start: Tue 2/15/2022 2:30 PM
End: Tue 2/15/2022 3:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Debra Brown
Required Attendees: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick; Kurt Karsten
Optional Attendees: Angie Ferguson

Call in number: 814-624-2660 ID: 2700# Passcode: 2700#

Debra Brown

Subject: Teleconference with Kurt Karsten
Location: Commissioners Suite

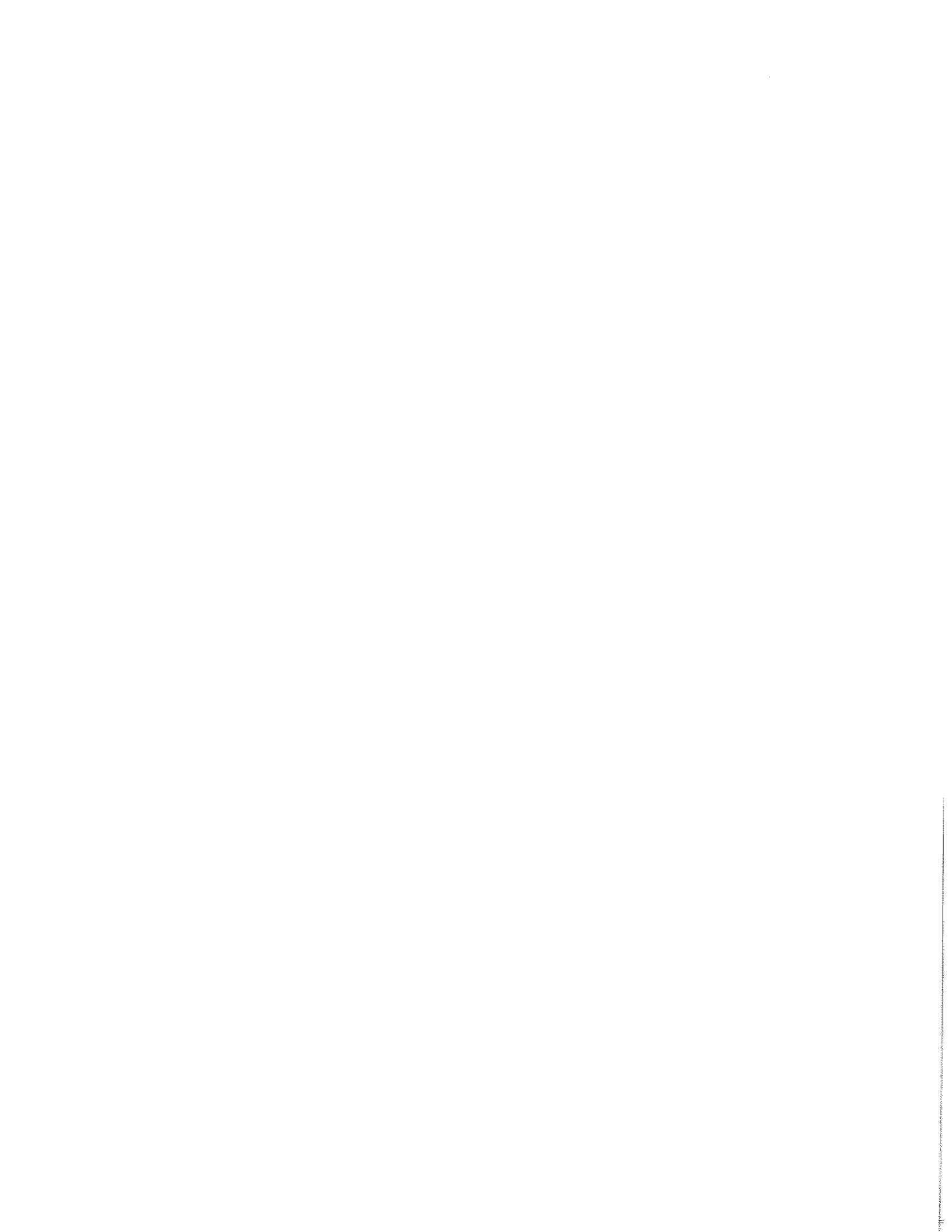
Start: Tue 2/15/2022 2:30 PM
End: Tue 2/15/2022 3:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Debra Brown
Required Attendees: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick; Kurt Karsten
Optional Attendees: Angie Ferguson

Call in number: 814-624-2660 ID: 2700# Passcode: 2700#



Debra Brown

Subject: Teleconference with Kurt Karsten
Location: Commissioners Suite

Start: Tue 2/15/2022 2:30 PM
End: Tue 2/15/2022 3:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Debra Brown

Required Attendees: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick; Kurt Karsten

Optional Attendees: Angie Ferguson

Call in number: 814-624-2660 ID: 2700# Passcode: 2700#

Debra Brown

Subject: Teleconference with Kurt Karsten
Location: Commissioners Suite

Start: Tue 2/15/2022 2:30 PM
End: Tue 2/15/2022 3:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Debra Brown
Required Attendees: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick; Kurt Karsten
Optional Attendees: Angie Ferguson

Call in number: 814-624-2660 ID: 2700# Passcode: 2700#

Debra Brown

Subject: Teleconference with Kurt Karsten
Location: Commissioners Suite

Start: Tue 2/15/2022 2:30 PM
End: Tue 2/15/2022 3:30 PM

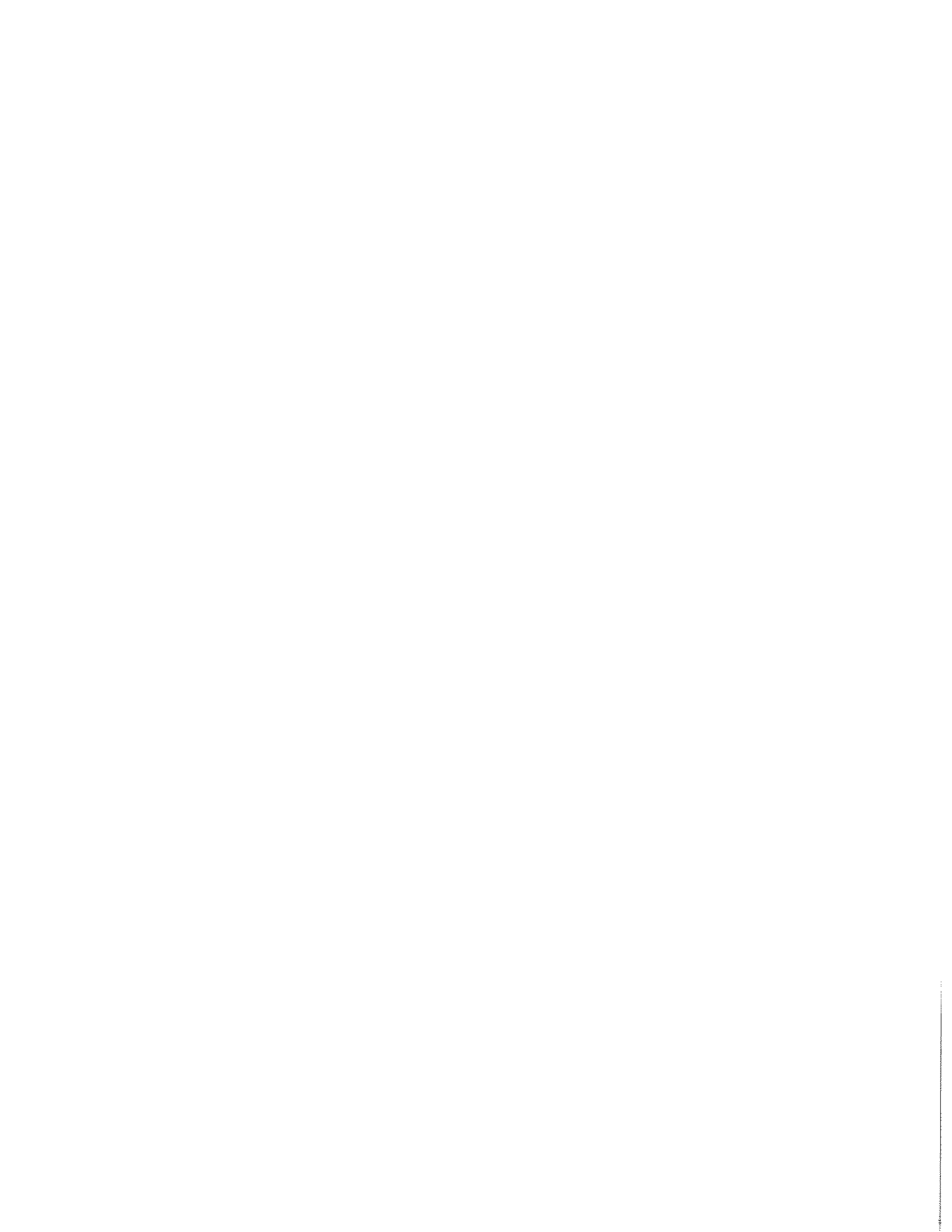
Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Debra Brown
Required Attendees: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick; Kurt Karsten
Optional Attendees: Angie Ferguson

Importance: High

Call in number: 814-624-2660 ID: 2700# Passcode: 2700#



Debra Brown

From: Sheffer, Ryan <rsheffer@pa.gov>
Sent: Thursday, February 17, 2022 9:51 AM
Subject: PUC P-2020-3022537
Attachments: P-2020-3022537 Petition of the Bedford County Board of Commissioners for Relief of the Unincorporated Area Certified Territory Law of 1990. ID.pdf; INITIAL DEC LTR - 20-10 P-2020-3022537.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Attached is your PA Public Utility Commission Document.

DO NOT REPLY TO THIS EMAIL REPLIES CANNOT BE ACCEPTED AS FILINGS

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Bedford County Board of	:	P-2020-3022537
Commissioners for Relief Under Section 7355(c)	:	
of the Unincorporated Area Certified Territory	:	
Law of 1990	:	

INITIAL DECISION

Before
Conrad A. Johnson
Administrative Law Judge

INTRODUCTION

This decision grants the Joint Motion filed by Respondents pursuant to 66 Pa.C.S. § 332(f) and 52 Pa. Code § 5.245(a) and dismisses the Petition filed in this matter for Petitioner's failure to appear for the second prehearing conference to prosecute the Petition.

HISTORY OF THE PROCEEDING¹

On or about October 21, 2020, the Bedford County Board of Commissioners (Bedford County) filed with the Pennsylvania Public Utility Commission (Commission) a Petition for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c), (the Petition), seeking from the Commission (1) a ruling that the retail electric service being furnished by the Bedford Rural Electric Cooperative, Inc. (BREC) to the Bedford County Jail (the Jail) is inadequate and is not likely to be made adequate and (2)

¹ For additional details on the procedural history of this case, the reader is directed to the *Sixth Interim Order Granting Unopposed Fourth Motion to Modify Litigation Schedule* issued in this proceeding on September 15, 2021.

authorization for Pennsylvania Electric Company (Penelec) to become the retail electric supplier to the Jail.

On December 14, 2020, Penelec filed its Answer to the Petition, which averred Penelec cannot authorize net metering or virtual meter aggregation for a project located in BREC's service territory. Penelec also disagreed with Bedford County's assessment and application of the Commonwealth of Pennsylvania's law and policies which promote renewable energy development.

On January 11, 2021, BREC filed its Answer and New Matter to the Petition which denied that retail electric service being furnished by BREC to the Jail is inadequate within the meaning of 15 Pa.C.S. § 7355(c). Further, BREC averred that the Petition does not set forth a basis for the Commission to invoke the extraordinary remedy available under 15 Pa.C.S. § 7355(c) to deem BREC's retail electric service to the Jail "inadequate" and to authorize Penelec to furnish retail electric service to the Jail.

On or about February 1, 2021, Bedford County filed a Reply to the New Matter of BREC, which denied the material allegations of BREC and averred that adequacy of service involves more than reliability and price. Bedford County reiterated its request that the Commission exercise its authority under 15 Pa.C.S. § 7355(c), as stated in its Petition.

I convened a prehearing conference in this matter on February 16, 2021. Respective counsel for the Parties, James M. Van Nostrand, Esquire, for Bedford County, Kevin J. McKeon, Esquire, for BREC, and Tori L. Giesler, Esquire, for Penelec, participated in the prehearing conference. Consequently, on February 22, 2021, I issued a *First Interim Order Establishing Litigation Schedule (First Interim Order)*. The *First Interim Order* established a litigation schedule consistent with disposition of the matter on the basis of a joint stipulation of facts, cross motions for summary judgment, simultaneous main briefs and reply briefs, to be followed by the issuance of an initial decision. The *First Interim Order* stated that any of the provisions of the order may be modified upon motion and good cause shown by any Party in interest.

Following the *First Interim Order*, the Parties requested successive modifications to the litigation schedule to reach a joint stipulation of facts in this proceeding. The Parties' joint requests resulted in the issuance of several interim orders modifying the litigation schedule.

Under the *Sixth Interim Order* issued on September 15, 2021, the Parties' joint stipulation of facts was due by October 12, 2021. On that date, counsel for BREC filed a letter with the Commission's Secretary's Bureau, and he represented as follows:

On behalf of Bedford Rural Electric Cooperative, Inc. (BRECEC) and Pennsylvania Power Company (Penelec), I write to apologize for our inability to adhere to the current litigation schedule established in your September 15, 2021 Sixth Interim Order which requires the parties to file a stipulation of facts today, October 12, 2021. In light of the circumstances outlined below we respectfully request that you excuse us from that obligation, suspend the litigation schedule, and establish at your convenience a status conference. The circumstances are as follows:

- As set forth in BRECEC and Penelec's September 10, 2021 Unopposed Fourth Motion to Modify Litigation Schedule, it is BRECEC's and Penelec's understanding that Petitioner Bedford County is in the process of withdrawing the appearance of current counsel and entering the appearance of new counsel in this proceeding;
- To date, that has not occurred;
- BRECEC and Penelec had been in the process of negotiating a stipulation of facts with Bedford County's current counsel;
- On July 14, 2021, BRECEC and Penelec provided Petitioner Bedford County's current counsel with our proposed joint revisions to the draft stipulation;
- Thereafter, in August 2021, BRECEC and Penelec were informed that Bedford County's current counsel would be withdrawing and new counsel would be entering an appearance for Bedford County;
- BRECEC and Penelec were given to understand that new counsel for Bedford County had been provided current

counsel's file, including the July 14, 2021 version of the draft stipulation of facts;

- BREC and Penelec were given to understand that Bedford County plans to propose changes to the draft stipulation provided by BREC and Penelec on July 14, 2021; and
- BREC and Penelec have not received assent to the July 14, 2021 draft or proposed revisions to the July 14, 2021 draft from Bedford County.

Accordingly, BREC and Penelec are unable to comply with today's deadline to file the stipulation of facts.

In light of the situation outlined here, we again respectfully request that you excuse us from the obligation to file the stipulation of facts today, suspend the litigation schedule, and establish at your convenience a status conference so that next steps may be discussed.

Joint Letter of BREC and Penelec dated October 12, 2021 (Joint Letter).

A Certificate of Service was attached to the October 12, 2021, Joint Letter indicating that copy of the Joint Letter was served upon Bedford's counsel, James M. Van Nostrand, Esquire.

Although the Joint Letter requesting a suspension of a litigation schedule and the convening of a status conference did not conform to the requirements of a formal motion under Section 1.15(b) of the Commission's regulations, I treated the Joint Letter as a joint motion of BREC and Penelec. Consequently, after due consideration, I determined that the joint motion warranted good cause to suspend the litigation schedule. Accordingly, on October 19, 2021, I issued a *Seventh Interim Order Suspending Litigation and Convening Second Prehearing Conference (Seventh Interim Order)*. The *Seventh Interim Order* was served upon counsel for all Parties of record, including Attorney Van Nostrand as counsel for Bedford County. The *Seventh Interim Order* provided in relevant part as follows:

2. That the Scheduling Staff of the Office of Administrative Law Judge shall schedule a Second Call-In Telephonic Prehearing Conference on the Petition of Bedford County Board of Commissioners for Relief Under Section 7355(c)

of the Unincorporated Area Certified Territory Law of 1990 filed at Docket No. P-2020-3022537, for **Wednesday, December 1, 2021, at 10:00 a.m.**, and so notify the Parties in writing.

3. That you must dial the toll-free number listed below to participate in the second prehearing conference. . . .

Toll-free Bridge Number: 1-866-566-0826
PIN Number: 76982683

4. **That you must call into the second prehearing conference on the scheduled day and time. You will not be called by the presiding administrative law judge. You must participate in the second prehearing conference. If you fail to do so, your case will be dismissed.**

(Emphasis in original).

On October 20, 2021, the Scheduling Staff of the Commission's Office of Administrative Law Judge issued to the Parties, including Attorney Van Nostrand on behalf of Bedford County, who remained counsel of record for Bedford County, the Telephonic Prehearing Conference Notice (*Second Prehearing Conference Notice*) notifying the Parties of the scheduling of the second prehearing conference on BREC's Petition for Wednesday, December 1, 2021, at 10:00 a.m. Like the *Seventh Interim Order*, the Notice advised the Parties as follows: "*Attention: You may lose the case if you do not take part in this conference and present facts on the issues raised.*" (Emphasis in original).

As of December 1, 2021, Attorney Van Nostrand remained Bedford County's counsel of record in this proceeding, and he had not moved to withdraw his appearance. As of December 1, 2021, no other counsel had entered an appearance with the Commission in this proceeding on behalf of Bedford County.

The *Seventh Interim Order* and *Second Prehearing Conference Notice* informing the Parties of the manner, date, and time of the hearing, were e-served in the ordinary course of the Commission's business to the email address provided by Attorney Van Nostrand to the Commission. The Commission did not receive a return electronic message that delivery of either

the *Seventh Interim Order or Second Prehearing Conference Notice* to Attorney Van Nostrand had failed.

As the presiding officer in this proceeding, I convened the second call-in telephonic prehearing conference on Wednesday, December 1, 2021, at 10:04 a.m., with a court reporter in attendance. Counsel for BREC, Attorney Mckeon, and counsel for Penelec, Attorney Giesler, were both present for the second telephonic prehearing conference. Bedford County's counsel of record, Attorney Van Nostrand, was not present when the second telephonic prehearing conference convened on December 1, 2021. No other counsel nor representative was present on behalf of Bedford County when the second prehearing conference convened on December 1, 2021.

On December 1, 2021, I recessed the proceeding at 10:13 a.m., to permit additional time for Attorney Van Nostrand (or a representative of Bedford County) to appear or to contact the Office of Administrative Law Judge (OALJ) to explain his absence. The telephonic proceeding remained open with respective counsel for BREC and Penelec and the court reporter in the telephonic prehearing conference, and I waited for Attorney Van Nostrand or a representative of Bedford County to join the conference. The conference reconvened at approximately 10:30 a.m. When the conference reconvened, no one had called into the conference nor contacted the OALJ to explain the absence of counsel or a representative for Bedford County to participate in the conference.

Accordingly, the prehearing conference proceeded in the absence of counsel or a representative for Bedford County. As a result, counsel for BREC made an oral motion for dismissal of the Petition with prejudice, pursuant 52 Pa. Code § 5.245. Counsel for Penelec was also prepared to make an oral motion for dismissal of the Petition. Consequently, I directed counsel for BREC and Penelec to file a written joint motion on their dismissal request by December 10, 2021. I further instructed them to serve a copy of the joint motion upon Bedford County's counsel, Attorney Van Nostrand. Afterwards, the conference adjourned at 10:39 a.m. on December 1, 2021.

On December 3, 2021, counsel for BREC and Penelec filed and served their Joint Motion to Dismiss with Prejudice the Petition of the Bedford County Commissioners for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990 (Joint Motion) together with a twenty-day notice to plead to the Joint Motion. In support of the Joint Motion, BREC and Penelec argued in pertinent part as follows:

26. Pursuant to 66 Pa.C.S. § 332(f), 52 Pa. Code § 5.245 provides that “[a]fter being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding” may suffer dismissal of the petition.

27. Where a petitioner receives notice of a scheduled conference or hearing on the petition, fails to seek a continuance, and fails to attend, the Commission will dismiss the petition with prejudice. *See Whaumbush v. PECO Energy Company*, 2018 WL 4185481 (2018). (Affirming dismissal of complaint with prejudice where complainant was duly notified of hearing but failed to attend); *El-Ayazra v. West Penn Power Company*, 2016 WL 3615220 (2016) (same).

28. “A dismissal with prejudice means that the Complainant is barred from filing another complaint with the Commission raising the same issues or claims as raised in the dismissed complaint.” *Whaumbush, supra* at *9.

29. Bedford County received notice of the December 1, 2021 Second Call-In Telephonic Prehearing Conference concerning its Petition.

30. Bedford County failed to attend or be represented at the December 1, 2021 Second Call-In Telephonic Prehearing Conference.

31. Bedford County was on notice that failure to attend would result in dismissal of its Petition.

32. Under these circumstances where the petitioner fails to attend a duly noticed conference “further procedural activity in the docket would prejudice the public interest due to the wasteful use of the agency's and the utility/respondent's time and resources in addressing the complaint.” *Sleboznick v. Pennsylvania Electric Company*, 2020 WL 7682432 at *8

(2020) (affirming dismissal of complaint with prejudice where complainant failed to appear at hearing, citing numerous cases).

33. As the history of this proceeding reveals, the Commission, BREC, and Penelec have over the past year committed significant time and resources to addressing Bedford County's Petition in this proceeding, and additional commitment of resources where Bedford County has failed to heed deadlines and hearing notices is unwarranted, wasteful, and inimical to the public interest.

Joint Motion ¶¶ 26-33.

Bedford County did not file a response to the Joint Motion.² Accordingly, the record is closed as of the date of this decision.

FINDINGS OF FACT

1. Complainant in this proceeding is the Bedford County Board of Commissioners.
2. Respondents in this proceeding are Bedford Rural Electric Cooperative, Inc., a legally authorized supplier of electric service to its members in accordance with the certified maps on file with the Commission, and Pennsylvania Electric Company, a jurisdictional public utility providing electric service to Pennsylvania customers.
3. On or about October 21, 2020, the Bedford County Board of Commissioners filed with the Commission a Petition for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c), seeking from the Commission (1) a ruling that the retail electric service being furnished by the BREC to the

² A party has 20 days from the date of service within which to answer or object to a motion, unless the period of time is otherwise fixed by the Commission or the presiding officer. *See* 52 Pa. Code § 5.103(c). On December 6, 2021, Attorney Van Nostrand filed a Withdrawal of appearance, claiming that on August 26, 2021, he had provided notice to Bedford County that he was terminating his representation of Bedford County in this proceeding. According to Attorney Van Nostrand, on August 27, 2021, Bedford County directed him not to file a withdrawal of appearance to thereby allow Bedford County "time to find alternative counsel and file a Substitution of Counsel." Withdrawal of Appearance ¶¶ 1-2. There is no indication in the record that Bedford County was served with Attorney Van Nostrand's Withdrawal of Appearance.

Bedford County Jail is inadequate and is not likely to be made adequate and (2) authorization for Penelec to become the retail electric supplier to the Jail.

4. On December 14, 2020, Penelec filed an Answer to the Petition.
5. On January 11, 2021, BREC filed an Answer and New Matter to the Petition.
6. On February 1, 2021, Bedford County filed a reply to the New Matter of BREC.
7. On February 22, 2021, a *First Interim Order Establishing Litigation Scheduled* was issued to the Parties.
8. Following the *First Interim Order*, the Parties requested successive modifications to the litigation schedule to reach a joint stipulation of facts in this proceeding. The Parties' joint requests resulted in the issuance of several interim orders modifying the litigation schedule.
9. On October 19, 2021, a *Seventh Interim Order Suspending Litigation and Convening Second Prehearing Conference* was issued to the Parties.
10. The *Seventh Interim Order* informed the Parties that a second call-in telephonic conference in this proceeding would convene on December 1, 2021, at 10:00 a.m.
11. By Call-In Telephonic Prehearing Notice dated October 20, 2021, the Parties were again informed that a call-in telephonic prehearing conference in this proceeding would convene on December 1, 2021, at 10:00 a.m.

12. The *Seventh Interim Order* advised the Parties about the applicable procedural rules for the conference, including the procedure to follow to participate in the conference or to request a conference continuance.

13. The *Seventh Interim Order* and October 20, 2021 Notice informed the Parties that failure to participate in the conference would result in the dismissal of their case.

14. The *Seventh Interim Order* and October 20, 2021 Notice were electronically served upon Bedford County's counsel of record, James M. Van Nostrand, Esquire, at the email address provided by him to the Commission.

15. There is no indication in the record that there was an electronic failure in the delivery of the *Seventh Interim Order* and October 20, 2021 Notice to Attorney Van Nostrand.

16. Respective counsel for BREC and Penelec were present by 10:00 a.m. on December 1, 2021, for the second telephonic prehearing conference.

17. By 10:30 a.m. on December 1, 2021, no counsel nor representative for Bedford County had appeared for the telephonic conference. Accordingly, the conference proceeded in the absence of counsel or a representative for Bedford County.

18. On December 3, 2021, BREC and Penelec, pursuant to 66 Pa.C.S. § 332(f) and 52 Pa. Code § 5.245, filed and served a Joint Motion to Dismiss with Prejudice the Petition of the Bedford County Commissioners for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990 for Bedford County's failure to appear for the second prehearing conference convened on December 1, 2021.

19. The Joint Motion included a twenty-day notice to plead to the Joint Motion.

20. Bedford County did not file a response to the Joint Motion to dismiss its Petition.

DISCUSSION

Due Process

The Commission satisfies the requirement of affording a petitioner with administrative due process, by providing timely notice of the hearing or conference on the petition and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

On October 19, 2021, a *Seventh Interim Order Suspending Litigation and Convening Second Prehearing Conference* was issued to the Parties. The *Seventh Interim Order* informed the Parties that a second call-in telephonic conference in this proceeding would convene on December 1, 2021, at 10:00 a.m. By Call-In Telephonic Prehearing Notice dated October 20, 2021, the Parties were again informed that a call-in telephonic prehearing conference this proceeding would convene on December 1, 2021, at 10:00 a.m.

The *Seventh Interim Order* advised the Parties about the applicable procedural rules for the conference, including the procedure to follow to participate in the conference or to request a conference continuance. The *Seventh Interim Order* and October 20, 2021 Notice informed the Parties that failure to participate in the conference would result in the dismissal of their case.

The *Seventh Interim Order* and Notice were electronically served upon Bedford County's counsel, James M. Van Nostrand, Esquire at the email address provided by him to the Commission. There is no indication in the record that there was an electronic failure in the delivery of the *Seventh Interim Order* and October 20, 2021 Notice to Attorney Van Nostrand.

Accordingly, I must presume that Bedford County through its attorney of record received notice of the conference and elected not to participate in the conference. *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Opinion and Order entered November 16, 2016); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Opinion and Order entered January 27, 2017).

Furthermore, Bedford County, through its attorney of record was served with the BREC's and Penelec's Joint Motion to dismiss the Petition pursuant to 66 Pa.C.S. § 332(f) and 52 Pa. Code § 5.245. However, Bedford County failed to file a response to the Joint Motion. Therefore, Bedford County's due process rights have been fully protected.

Burden of Proof

Pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a), the burden of proof is on the proponent of a rule or order. In this proceeding, Bedford County is the proponent of a rule or order. Therefore, Bedford County had the burden of proving it was entitled to the relief requested in its Complaint. BREC and Penelec were present for the second prehearing conference through their respective attorneys. However, neither counsel nor a representative appeared on behalf of Bedford County for the conference.

Section 332(f) of the Code provides in pertinent part:

Any party who shall fail to be represented at a scheduled conference or hearing after being duly notified thereof, shall be deemed to have waived the opportunity to participate in such conference or hearing, and shall not be permitted thereafter to reopen the disposition of any matter accomplished thereat, . . .

66 Pa.C.S. § 332(f).

Concerning a party's failure to appear for a scheduled conference or hearing, the Commission regulations provide in pertinent part as follows:

§ 5.245 Failure to appear, proceed or maintain order in proceedings.

(a) After being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding will:

(1) Be deemed to have waived the opportunity to participate in the conference or hearing.

52 Pa. Code § 5.245(a).

Ruling

Since Bedford County failed to appear and participate in the scheduled second prehearing conference, its Petition may be dismissed with prejudice. *See Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered December 26, 1995); *El-Ayazra v. W. Penn Power Co.*, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016); 66 Pa.C.S. § 332(f) and 52 Pa. Code § 5.245(a). Accordingly, I find that Bedford County's failure to appear for the second prehearing conference warrants the granting of the Joint Motion for dismissal of the Petition. However, without additional facts, I do not find that Bedford County's failure to appear warrants dismissal with prejudice. Accordingly, in the ordering paragraphs below the Joint Motion of BREC and Penelec will be granted, and the Petition will be dismissed without prejudice.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Parties and subject matter of this proceeding. Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* and Unincorporated Area Certified Territory Law of 1990, 15 Pa.C.S. §§ 7351-7359.

2. Petitioner as the proponent of a rule or order has the burden of proof. 66 Pa.C.S. § 332(a).

3. When a petitioner fails to appear for a scheduled conference or hearing, the petition may be dismissed with prejudice. *Jefferson v. UGI Utils., Inc.*, Docket No. Z-00269892 (Opinion and Order entered December 26, 1995); *El-Ayazra v. W. Penn Power Co.*, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016); 66 Pa.C.S. § 332(f) and 52 Pa. Code § 5.245(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Joint Motion of Bedford Rural Electric Cooperative, Inc., and Pennsylvania Electric Company to dismiss the Bedford County Board of Commissioners' Petition for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c) is granted consistent with this decision.

2. That the Bedford County Board of Commissioners' Petition for Relief Under Section 7355(c) of the Unincorporated Area Certified Territory Law of 1990, 15 Pa.C.S. § 7355(c), at Docket P-2020-3022537 is dismissed without prejudice, pursuant to 66 Pa.C.S. § 332(f) and 52 Pa. Code § 5.245(a), for the failure of Bedford County to appear to prosecute its Petition at the second prehearing conference convened in this matter on December 1, 2021.

3. That the Secretary's Bureau shall mark Docket No. P-2020-3022537 closed.

Date: February 17, 2022

_____/s/
Conrad A. Johnson
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

IN REPLY PLEASE
REFER TO OUR FILE

February 17, 2022

P-2020-3022537

Petition of Bedford County Board of
Commissioners for Relief Under Section 7355(c)
of the Unincorporated Area Certified Territory
Law of 1990.

TO ALL PARTIES:

Enclosed is a copy of the Initial Decision of the Office of Administrative Law Judge.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Your signed Exceptions to the decision, if any, must be: 1) **filed** with the Secretary of the Commission, **and 2) within twenty (20) days** of the date of this letter.

Exceptions must be efiled with the Secretary of the Commission by opening an efile account through the Commission's website and accepting eservice at <http://www.puc.state.pa.us/efiling/default.aspx>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission.

In addition to filing your Exceptions with the Secretary of the Commission, a courtesy copy of your Exceptions should be e-mailed to the Commission's Office of Special Assistants (OSA) at ra-OSA@pa.gov. Your filing should not be larger than 10mb.

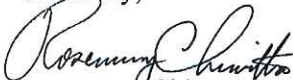
Replies to Exceptions, if any, must be **filed** with the Secretary of the Commission and **served** on each party of record and the Commission's OSA, in the manner described above. **They are due within ten (10) days of the date when Exceptions are due.**

It is your responsibility to serve all the parties with your Exceptions and Replies to Exceptions. Failure to do so may render your filing unacceptable. A certificate of service (see format in 52 Pa. Code §1.58) shall be attached to the filed Exceptions or Replies to Exceptions.

Exceptions and Replies to Exceptions shall follow 52 Pa. Code §§5.533 and 5.535 particularly the 40-page limit for Exceptions and the 25-page limit for Replies to Exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)". Any reference to specific sections of the Administrative Law Judge's Initial Decision shall include the page number(s) of the cited section of the decision.

If no Exceptions are received, the decision of the Administrative Law Judge could become final without further Commission action. You will receive written notification if this occurs. However, even if no exceptions are received, the Commission may review and change the decision pursuant to Section 332(h) of the Public Utility Code, 66 Pa. C.S. § 332(h).

Sincerely,


Rosemary Chiavetta
Secretary

Decision attached



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
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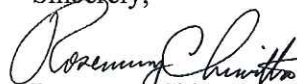
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Sincerely,


Rosemary Chiavetta
Secretary

Decision attached

Debra Brown

From: Jim Kurtz <jkurtz@rerenergygroup.com>
Sent: Monday, February 21, 2022 12:20 PM
To: Commissioner Baughman; Commissioner Dallara; Commissioner Frederick
Cc: Michael Mike Barnes; Kurt Karsten
Subject: Bedford County Solar Project Update

Commissioners Dallara, Baughman and Frederick,

Kurt has briefed me on the conference call he had with you on Tuesday, February 15th, and has continued to pass along your concerns as well as your recent request for direct communication with me on the Bedford County Solar Project. I would be glad to talk and meet with you whenever helpful, and am looking forward to talking with you about what has happened with this project, and exploring how we can best move forward, with the cooperation of others, including the Borough of Bedford and the CFA.

The solar project path to date has certainly not been the one we expected. We have encountered challenge after challenge as you are well aware. But we are still convinced there is substantial value in the project for Bedford County and we are committed to bringing that value to fruition if at all possible.

The situation with BREC has been well documented by Kurt over time. I would be glad to talk through that history as well, but will focus here on more recent developments and the current situation.

Most relevant:

-- We had productive conversations on Wednesday February 16th with the Borough of Bedford and the Borough Water Authority and members of the Town Council concerning their solar project and believe we made significant progress in getting their cooperation with investigating a Milburn solution for the County. We have shared an updated Draft lease Agreement with them for your project and are waiting for a response. If the Borough agrees to execute that Lease Agreement, we will then be able to apply to Penelec for an Interconnection Study and Agreement for the Bedford County Project, as well as request that the PA CFA modify the CFA Grant in order to move most of the Bedford County Project to the Milburn Reservoir location. With success of those efforts, a project of 100 KW would also then be built at the Bedford Jail as per the updated BREC net-metering tariff.

-- CFA grants reserved for the Borough and County projects total approximately \$1.7MM. When submitted, the estimated costs of both projects were approximately \$5MM. As you are aware, we established the Power Purchase Agreement price for the Bedford County Project at a level so that the County received 100% of the benefit of the CFA Grant it received. As you are probably also aware, equipment, labor and material prices have dramatically increased as a result of several events, including most recently, COVID. Today with Covid related equipment and labor supply chain constraints, the estimated costs for both projects have increased by approximately 20%, yet the CFA Grant amounts have stayed the same. In addition, RER has already incurred several hundreds of thousands of dollars of unbudgeted expenses, in addressing the challenges that have befallen this Project.

— There is continuing uncertainty in the Financial markets that could impact this project. As a result of some significant upfront investments we have made in the Bedford projects, they are 'safe harbored' for the 30% Federal Tax Credit. It is possible that if 'Build Back Better' legislation were to pass, that figure could

increase but of course that is contingent on what Congress will do. In our estimation, that proposed legislation will either pass or be effectively permanently stalled by the summer of 2022. The path of the current inflationary pressures is extremely hard to predict, as well.

In the context of all of that, we believe the best path forward for the Bedford County Project includes:

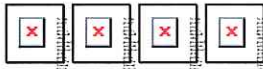
- Confirming the viability of interconnecting to the grid at the Milburn site. This will take approximately 2-3 months and requires that we obtain a site lease agreement for the property from the Borough of Bedford, as Penelec will not study Interconnection without our being able to document 'site control'. That is why we once again sent the Borough of Bedford a Lease Agreement this week after our call with them.
- Confirming permitting approval for the Milburn site. This will take approximately 6 to 10 months after we receive a Lease Agreement, and will involve submitting for various permits, including an NPDES Permit with the PA DEP.
- Confirming with the PA CFA that the CFA Grant can be moved to the Milburn location. CFA has verbally approved this move, but has specified that they must see a signed lease agreement before they will provide written approval.
- RER continues to store the modules at the Jail facility until we have confirmation of site approval at Milburn. We have confirmed that their current condition and storage is acceptable with our chosen financing partner - we recently completed another project using modules from the same shipment as the Bedford Jail modules with our financing partner.

Please let me know if you have any questions and when we might set up a time to connect to speak directly. I very much want to work through the current challenges to arrive at a good solution for the Citizens of Bedford County.

Thank you for all of your efforts on the project as well. They are appreciated.

Sincerely, Jim

Jim Kurtz
President



 917-304-0762
 610-332-7232
 jkurtz@rerenergygroup.com | rerenergygroup.com



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Four Consecutive Years

Debra Brown

From: Commissioner Dallara
Sent: Monday, February 28, 2022 9:57 AM
To: Jim Kurtz
Cc: Commissioner Baughman; Commissioner Frederick; Michael Mike Barnes; Kurt Karsten
Subject: Re: Bedford County Solar Project Update

Mr Kurtz, since I am the only commissioner serving on the board when the solar project grant was approved by the CFA in 2018, I feel you should know my sentiment's about the status of a project that has been stalled for 4 years now. While my comments are my own I believe the other commissioners are disenchanted by the performance of your company as I am to date. Your credibility as a company is in serious doubt at this time. Your company has made many promises that have not been fulfilled. Others are always the blame or it's someone's else's fault. We have been given one excuse after another and still no progress. When will you accept responsibility for your company's failure to complete our solar project in a timely and efficient manner?

I have been asked repeatedly by our citizens when will we finish this project? Your failure to complete this project has been and continues to an embarrassment and has negatively impacted our credibility. Until we received your email we had not seen nor heard from you in over two years. I had to ask your Atty the name of the CEO of RER Energy. As I stated to your Legal Council recently, if I am asked about RER Energy by the CFA OR other county commissioners from across the state, (and I know a lot of them,) I WILL SIMPLY TELL THEM THE FACTS.

Mr Kurtz, the only way your company can regain any credibility in Bedford County you must begin work on the part of the solar field on the county jail property. There is no acceptable reason that the jail portion of the solar field can't be constructed in parallel with your efforts to complete the required permitting of the Milbun reservoir solution. I don't care to hear more excuses. This project needs completed by September of 2022.

On Feb 21, 2022, at 12:20 PM, Jim Kurtz <jkurtz@rerenergygroup.com> wrote:

Commissioners Dallara, Baughman and Frederick,

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Sincerely, Jim

Jim Kurtz
President



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 jkurtz@rerenergygroup.com | rerenergygroup.com



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Debra Brown

From: Jim Kurtz <jkurtz@rerenergygroup.com>
Sent: Tuesday, March 22, 2022 9:22 AM
To: Commissioner Dallara
Cc: Commissioner Baughman; Commissioner Frederick; Michael Mike Barnes; Kurt Karsten
Subject: Re: Bedford County Solar Project Update

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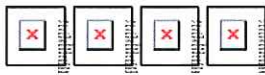
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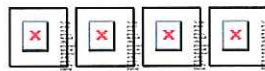
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Debra Brown

From: Commissioner Dallara
Sent: Thursday, March 24, 2022 9:10 AM
To: Jim Kurtz
Cc: Commissioner Baughman; Commissioner Frederick; Michael Mike Barnes; Kurt Karsten
Subject: Re: Bedford County Solar Project Update

Jim, I discussed your email with the other commissioners. We do not want to change the design of the project. The roof at the BCCF will not support the placement of the panels without the possibility of compromising its integrity. Additionally we believe it would only serve to delay the project further.

I would be remiss if I did not again emphasize the need for this project to be completed expeditiously. We are very disappointed that it wasn't completed years ago.

Sent from my iPhone

On Mar 22, 2022, at 9:22 AM, Jim Kurtz <jkurtz@rerenergygroup.com> wrote:

Good morning Commissioner Dallara

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Kurt has briefed me on the conference call he had with you on Tuesday, February 15th, and has continued to pass along your concerns as well as your recent request for direct communication with me on the Bedford County Solar Project. I would be glad to talk and meet with you whenever helpful, and am looking forward to talking with you about what has happened with this project, and exploring how we can best move forward, with the cooperation of others, including the Borough of Bedford and the CFA.

The solar project path to date has certainly not been the one we expected. We have encountered challenge after challenge as you are well aware. But we are still convinced there is substantial value in the project for Bedford County and we are committed to bringing that value to fruition if at all possible.

The situation with BREC has been well documented by Kurt over time. I would be glad to talk through that history as well, but will focus here on more recent developments and the current situation.

Most relevant:

-- We had productive conversations on Wednesday February 16th with the Borough of Bedford and the Borough Water Authority and members of the Town Council concerning their solar project and believe we made significant progress in getting their cooperation with investigating a Milburn solution for the County. We have shared an updated Draft lease Agreement with them for your project and are waiting for a response. If the Borough agrees to execute that Lease Agreement, we will then be able to apply to Penelec for an Interconnection Study and Agreement for the Bedford County Project, as well as request that the PA CFA modify the CFA Grant in order to move most of the Bedford County Project to the Milburn Reservoir location. With success of those efforts, a project of 100 KW would also then be built at the Bedford Jail as per the updated BREC net-metering tariff.

-- CFA grants reserved for the Borough and County projects total approximately \$1.7MM. When submitted, the estimated costs of both projects were approximately \$5MM. As you are aware, we established the Power Purchase Agreement price for the Bedford County Project at a level so that the County received 100% of the benefit of the CFA Grant it received. As you are probably also aware, equipment, labor and material prices have dramatically increased as a result of several events, including most recently, COVID. Today with Covid related equipment and labor supply chain constraints, the estimated costs for both projects have increased by approximately 20%, yet the CFA Grant amounts have stayed the same. In addition, RER has already incurred several hundreds of thousands of dollars of unbudgeted expenses, in addressing the challenges that have befallen this Project.

— There is continuing uncertainty in the Financial markets that could impact this project. As a result of some significant upfront investments we have made in the Bedford projects, they are 'safe harbored' for the 30% Federal Tax Credit. It is possible that if 'Build Back Better' legislation were to pass, that figure could increase but of course that is contingent on what Congress will do. In our estimation, that proposed legislation will either pass or be effectively permanently stalled by the summer of 2022. The path of the current inflationary pressures is extremely hard to predict, as well.

In the context of all of that, we believe the best path forward for the Bedford County Project includes:

- Confirming the viability of interconnecting to the grid at the Milburn site. This will take approximately 2-3 months and requires that we obtain a site lease agreement for the property from the Borough of Bedford, as Penelec will not study Interconnection without our being able to document 'site control'. That is why we once again sent the Borough of Bedford a Lease Agreement this week after our call with them.

- Confirming permitting approval for the Milburn site. This will take approximately 6 to 10 months after we receive a Lease Agreement, and will involve submitting for various permits, including an NPDES Permit with the PA DEP.

- Confirming with the PA CFA that the CFA Grant can be moved to the Milburn location. CFA has verbally approved this move, but has specified that they must see a signed lease agreement before they will provide written approval.

- RER continues to store the modules at the Jail facility until we have confirmation of site approval at Milburn. We have confirmed that their current condition and storage is acceptable with our chosen financing partner - we recently completed another project using modules from the same shipment as the Bedford Jail modules with our financing partner.

Please let me know if you have any questions and when we might set up a time to connect to speak directly. I very much want to work through the current challenges to arrive at a good solution for the Citizens of Bedford County.

Thank you for all of your efforts on the project as well. They are appreciated.

Sincerely, Jim

Jim Kurtz
President



917-304-0762
610-332-7232
jkurtz@rerenergygroup.com | rerenergygroup.com



Inc 5000 Fastest Growing Private Companies for
Four Consecutive Years

Debra Brown

From: Richard Latker <info@hcwatchdog.org>
Sent: Tuesday, April 5, 2022 12:51 PM
To: Commissioner Dallara; Commissioner Baughman; Commissioner Frederick; Kay Stephens; Newsroom; news@wjactv.com; hkoontz@bedfordgazette.com
Cc: Bryan King; Regis Nale; Christopher Creek
Subject: Bedford Jail solar project
Attachments: forlorn panels.jpg

To the Bedford County Commissioners:

Hollidaysburg Community Watchdog, established in 2015, is a citizens' group dedicated to deterring corruption, increasing transparency and encouraging public participation in local government.

Our group recently received a complaint concerning a large quantity of still-packed solar panels that have been stored improperly near the Bedford County Jail, apparently for three years or more.

We learned that in 2018, Bedford County obtained a \$900,000 DCED grant to install a solar power array near the jail that would provide 90% of the electricity used by the courthouse, the Jail and the County Library. Savings to the county of more than \$5 million were promised over the lifetime of the array.

News stories appeared in December 2018 announcing groundbreaking for the project, which was promised to be completed and operational by the summer of 2019. This story appeared in the Bedford Gazette:

<https://reenergygroup.com/ground-broken-for-solar-project-millions-projected-in-jail-cost-savings/>

Obviously the project was never completed. Its value has depreciated significantly over the past three years without a single kilowatt of electricity generated. We have not found a single reference to the project in official County communications (though we presume there must be some information in the minutes of the County Commissioners meetings), nor have there been any news stories about the project since 2018.

Of particular concern are the abandoned panels. While we are unsure precisely how long the panels have been there, it is reasonable to assume that they were delivered in late 2018 or early 2019. The attached photo shows laying on the ground, fully exposed, some flat and some vertical, in their original strapping. While the panels are nominally water-tight, they are designed to be arrayed at an angle to facilitate rain run-off. Depending on how long they have been abandoned, these panels are very likely to show water infiltration.

The Watchdog filed a formal complaint with the PA Inspector General's office this morning, alleging waste and misuse of taxpayer funds. We have also alerted DCED that the 2018 grant has apparently been squandered.

The citizenry deserves an explanation for what appears to be a colossal waste of taxpayer funds. The Watchdog will issue a formal press release on the issue before the end of business today, but we would like to give the Bedford County Commissioners an opportunity to explain the situation before we go public.

Sincerely,
Richard Latker
President, Hollidaysburg Community Watchdog



Debra Brown

From: Commissioner Dallara
Sent: Tuesday, April 5, 2022 1:13 PM
To: Jim Kurtz
Subject: Fwd: Bedford Jail solar project

FYI, please respond to us asap as to how you are going to get this project moving.

Sent from my iPhone

Begin forwarded message:

From: Richard Latker <info@hcwatchdog.org>
Date: April 5, 2022 at 12:51:01 PM EDT
To: Commissioner Dallara <cdallara@bedfordcountypa.org>, Commissioner Baughman <dbaughman@bedfordcountypa.org>, Commissioner Frederick <CFrederick@bedfordcountypa.org>, Kay Stephens <kstephens@altoonamirror.com>, Newsroom <news@mcheraldonline.com>, news@wjactv.com, hkoontz@bedfordgazette.com
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Debra Brown

From: Commissioner Dallara
Sent: Tuesday, April 5, 2022 2:57 PM
To: Kurt Karsten
Subject: Fwd: Bedford Jail solar project

Please contact us thru Deb Brown asap

Sent from my iPhone

Begin forwarded message:

From: Commissioner Dallara <cdallara@bedfordcountypa.org>
Date: April 5, 2022 at 1:12:54 PM EDT
To: Jim Kurtz <jkurtz@reenergygroup.com>
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President, Hollidaysburg Community Watchdog



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From: Commissioner Dallara
Sent: Tuesday, April 5, 2022 4:03 PM
To: Jim Kurtz; Kurt Karsten
Cc: Commissioner Frederick; Commissioner Baughman
Subject: Slar project at BCCF/Watch dog Group

Jim and Kurt, this is what I've been concerned about for quite sometime. Now due to RER Energy's lack of progress on our Solar Project, we have a watch dog group planning to file a complaint to the PA Inspector General's Office to blame our county for not completing a project that received state funding for. This concern needs to be addressed immediately. The commissioners of Bedford County demand that your company without further delay complete this project.

Your lack of responsiveness is inexcusable and certainly exhausted our patience. Your company has now placed the county's credibility in question. If progress is not initiated immediately we will begin to explore all options available to the county to resolve this matter.

Sent from my iPhone

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To: Debra Brown
Subject: Fwd: Bedford Jail solar project

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