

RIPUC Use Only

Date Application Received: ___/___/___
Date Review Completed: ___/___/___
Date Commission Action: ___/___/___
Date Commission Approved: ___/___/___

GIS Certification #:

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

The Standard Application Form

Required of all Applicants for Certification of Eligibility of Renewable Energy Resource
(Version 1 – July 7, 2006)

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

Pursuant to the Renewable Energy Act

Section 39-26-1 et. seq. of the General Laws of Rhode Island

NOTICE:

When completing this Renewable Energy Resources Eligibility Form and any applicable Appendices, please refer to the State of Rhode Island and Providence Plantations Public Utilities Commission Rules and Regulations Governing the Implementation of a Renewable Energy Standard (RES Regulations, Effective Date: January 1, 2006), and the associated RES Certification Filing Methodology Guide. All applicable regulations, procedures and guidelines are available on the Commission's web site: www.ripuc.org/utilityinfo/res.html. Also, all filings must be in conformance with the Commission's Rules of Practice and Procedure, in particular, Rule 1.5, or its successor regulation, entitled "Formal Requirements as to Filings."

- Please complete the Renewable Energy Resources Eligibility Form and Appendices using a typewriter or black ink.
- Please submit one original and three copies of the completed Application Form, applicable Appendices and all supporting documentation to the Commission at the following address:

Rhode Island Public Utilities Commission
89 Jefferson Blvd
Warwick, RI 02888

Attn: Renewable Energy Resources Eligibility

In addition to the paper copies, electronic/email submittals are required under Commission regulations. Such electronic submittals should be sent to: Luly E. Massaro, Commission Clerk at lmassaro@puc.state.ri.us

- In addition to filing with the Commission, Applicants are required to send, electronically or electronically and in paper format, a copy of the completed Application including all attachments and supporting documentation, to the Division of Public Utilities and Carriers and to all interested parties. A list of interested parties can be obtained from the Commission's website at www.ripuc.org/utilityinfo/res.html.
- Keep a copy of the completed Application for your records.
- The Commission will notify the Authorized Representative if the Application is incomplete.
- Pursuant to Section 6.0 of the RES Regulations, the Commission shall provide a thirty (30) day period for public comment following posting of any administratively complete Application.
- Please note that all information submitted on or attached to the Application is considered to be a public record unless the Commission agrees to deem some portion of the application confidential after consideration under section 1.2(g) of the Commission's Rules of Practice and Procedure.
- In accordance with Section 6.2 of the RES Regulations, the Commission will provide prospective reviews for Applicants seeking a preliminary determination as to whether a facility would be eligible prior to the formal certification process described in Section 6.1 of the RES Regulations. Please note that space is provided on the Form for applicant to designate the type of review being requested.
- Questions related to this Renewable Energy Resources Eligibility Form should be submitted in writing, preferably via email and directed to: Luly E. Massaro, Commission Clerk at lmassaro@puc.state.ri.us

SECTION I: Identification Information

- 1.1 Name of Generation Unit (sufficient for full and unique identification): Higley Hydro located in Colton, NY
- 1.2 Type of Certification being requested (check one):
 Standard Certification Prospective Certification (Declaratory Judgment)
- 1.3 This Application includes: (Check all that apply)¹
- APPENDIX A: Authorized Representative Certification for Individual Owner or Operator.
 - APPENDIX B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals
 - APPENDIX C: Existing Renewable Energy Resources
 - APPENDIX D: Special Provisions for Aggregators of Customer-sited or Off-grid Generation Facilities
 - APPENDIX E: Special Provisions for a Generation Unit Located in a Control Area Adjacent to NEPOOL
 - APPENDIX F: Fuel Source Plan for Eligible Biomass Fuels
- 1.4 Primary Contact Person name and title: Robert Ricketts, Manager – Market Affairs
- 1.5 Primary Contact Person address and contact information:
Address: 3100 Lone Pine Road
Schenectady, NY 13203
Phone: 819 360-7674 Fax:
Email: robert.ricketts@brookfieldpower.com
- 1.6 Backup Contact Person name and title: Michel Soucy
- 1.7 Backup Contact Person address and contact information:
Address: 480 Boul de la Cite
Gatineau, QC J8T 8R3
Phone: 819) 561-8839 Fax:
Email: michel.soucy@brookfieldpower.com
- 1.8 Name and Title of Authorized Representative (*i.e.*, the individual responsible for certifying the accuracy of all information contained in this form and associated appendices, and whose signature will appear on the application): Jeffrey M. Auser, General Manager System Control

¹ Please note that all Applicants are required to complete the Renewable Energy Resources Eligibility Standard Application Form and all of the Appendices that apply to the Generation Unit or Owner or Operator that is the subject of this Form. Please omit Appendices that do not apply.

Appendix A or B (as appropriate) completed and attached? Yes No N/A

1.9 Authorized Representative address and contact information:

Address: 225 Greenfield Pkwy Suite 201
Liverpool, NY 13088

Phone: (315) 413-2821 Fax: (315) 461-8577

Email: jeffrey.auser@brookfieldpower.com

1.10 Owner name and title: Erie Boulevard Hydropower L.P.

1.11 Owner address and contact information:

Address: 225 Greenfield Parkway Suite 201
Liverpool, NY 13088

Phone (315) 413-2821 Fax: (315) 461-8577

Email: _____

1.12 Owner business organization type (check one):

- Individual
- Partnership
- Corporation
- Other:

1.13 Operator name and title: Erie Boulevard Hydropower L.P.

1.14 Operator address and contact information:

Address: same

Phone: same Fax: same

Email: _____

1.15 Operator business organization type (check one):

- Individual
- Partnership
- Corporation
- Other:

SECTION II: Generation Unit Information, Fuels, Energy Resources and Technologies

2.1 ISO-NE Generation Unit Asset Identification Number or NEPOOL GIS Identification Number: N/A

2.2 Generation Unit Nameplate Capacity: 6.2 MW

2.3 Maximum Demonstrated Capacity (if greater than Nameplate Capacity): MW

2.4 Please indicate which of the following Eligible Renewable Energy Resources are used by the Generation Unit: (Check ALL that apply) – *per RES Regulations Section 5.0*

- Direct solar radiation
- The wind
- Movement of or the latent heat of the ocean
- The heat of the earth
- Small hydro facilities
- Biomass facilities using Eligible Biomass Fuels and maintaining compliance with all aspects of current air permits; Eligible Biomass Fuels may be co-fired with fossil fuels, provided that only the renewable energy fraction of production from multi-fuel facilities shall be considered eligible.
- Biomass facilities using unlisted biomass fuel
- Biomass facilities, multi-fueled or using fossil fuel co-firing
- Fuel cells using a renewable resource referenced in this section

2.5 If the box checked in Section 2.4 above is “Small hydro facilities”, please certify that the facility’s aggregate capacity does not exceed 30 MW. – *per RES Regulations Section 3.31*

- ← please check this box to acknowledge this requirement
- N/A or other (please explain) _____

2.6 If the box checked in Section 2.4 above is “Small hydro facilities”, please certify that the facility does not involve any new impoundment or diversion of water with an average salinity of twenty (20) parts per thousand or less. – *per RES Regulations Section 3.31*

- ← please check this box to acknowledge this requirement
- N/A or other (please explain)

2.7 If you checked one of the Biomass facilities boxes in Section 2.1 above, please respond to the following:

- A. Please specify the fuel or fuels used or to be used in the Unit: _____
- B. Please complete and attach Appendix F, Eligible Biomass Fuel Source Plan. Appendix F completed and attached? Yes No N/A

- 2.8 Has the Generation Unit been certified as a Renewable Energy Resource for eligibility in another state's renewable portfolio standard?
 Yes No If yes, please attach a copy of that state's certifying order.
Copy of State's certifying order attached? Yes No N/A

SECTION III: Commercial Operation Date

Please provide documentation to support all claims and responses to the following questions:

- 3.1 Date Generation Unit first entered Commercial Operation: 9/26/2003
- 3.2 Is there an Existing Renewable Energy Resource located at the site of the Generation Unit?
 Yes
 No
- 3.3 If the date entered in response to question 3.1 is earlier than December 31, 1997 or if you checked "Yes" in response to question 3.2 above, please complete Appendix C.
Appendix C completed and attached? Yes No N/A
- 3.4 Was all or any part of the Generation Unit used on or before December 31, 1997 to generate electricity at any other site?
 Yes
 No
- 3.5 If you checked "Yes" to question 3.4 above, please specify the power production equipment used and the address where such power production equipment produced electricity (attach more detail if the space provided is not sufficient):

SECTION IV: Metering

- 4.1 Please indicate how the Generation Unit's electrical energy output is verified:
 ISO-NE Market Settlement System and self-reported to the NEPOOL GIS Administrator
 Other (please specify below and see Appendix D: Eligibility for Aggregations):
Metering verified by National Grid, the metering authority NYISO Zone D
Appendix D completed and attached? Yes No N/A

SECTION V: Location

5.1 Please check one of the following that apply to the Generation Unit:

- Grid Connected Generation
- Off-Grid Generation (not connected to a utility transmission or distribution system)
- Customer Sited Generation (interconnected on the end-use customer side of the retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer)

5.2 Generation Unit address: 100 Pine Road, Colton, NY 13625

5.3 Please provide the Generation Unit's geographic location information:

Universal Transverse Mercator Coordinates: **UTM 18 504992E 4934360N
(NAD83/WGS84)**

A. Longitude/Latitude: 44n33/74w56

5.4 Is the Generation Unit located in a control area adjacent to the NEPOOL control area?

- Yes
- No

5.5 If you checked "Yes" in Section 5.4 above, please complete Appendix E.

Appendix E completed and attached? Yes No N/A

SECTION VI: Certification

- 6.1 Please attach documentation, using one of the applicable forms below, demonstrating the authority of the Authorized Representative indicated in Section 1.8 to certify and submit this Application.

Corporations

If the Owner or Operator is a corporation, the Authorized Representative shall provide **either**:

- (a) Evidence of a board of directors vote granting authority to the Authorized Representative to execute the Renewable Energy Resources Eligibility Form, **or**
- (b) A certification from the Corporate Clerk or Secretary of the Corporation that the Authorized Representative is authorized to execute the Renewable Energy Resources Eligibility Form or is otherwise authorized to legally bind the corporation in like matters.

Evidence of Board Vote provided? Yes No N/A

Corporate Certification provided? Yes No N/A

Individuals

If the Owner or Operator is an individual, that individual shall complete and attach APPENDIX A, or a similar form of certification from the Owner or Operator, duly notarized, that certifies that the Authorized Representative has authority to execute the Renewable Energy Resources Eligibility Form.

Appendix A completed and attached? Yes No N/A

Non-Corporate Entities

(Proprietorships, Partnerships, Cooperatives, etc.) If the Owner or Operator is not an individual or a corporation, it shall complete and attach APPENDIX B or execute a resolution indicating that the Authorized Representative named in Section 1.8 has authority to execute the Renewable Energy Resources Eligibility Form or to otherwise legally bind the non-corporate entity in like matters.

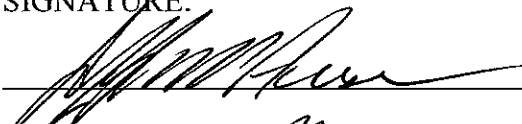
Appendix B completed and attached? Yes No N/A

6.2 Authorized Representative Certification and Signature:

I hereby certify, under pains and penalties of perjury, that I have personally examined and am familiar with the information submitted herein and based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties, both civil and criminal, for submitting false information, including possible fines and punishment. My signature below certifies all information submitted on this Renewable Energy Resources Eligibility Form. The Renewable Energy Resources Eligibility Form includes the Standard Application Form and all required Appendices and attachments. I acknowledge that the Generation Unit is obligated to and will notify the Commission promptly in the event of a change in a generator's eligibility status (including, without limitation, the status of the air permits) and that when and if, in the Commission's opinion, after due consideration, there is a material change in the characteristics of a Generation Unit or its fuel stream that could alter its eligibility, such Generation Unit must be re-certified in accordance with Section 9.0 of the RES Regulations. I further acknowledge that the Generation Unit is obligated to and will file such quarterly or other reports as required by the Regulations and the Commission in its certification order. I understand that the Generation Unit will be immediately de-certified if it fails to file such reports.

Signature of Authorized Representative:

SIGNATURE:



General Manager
(Title)

DATE:

10/5/06

GIS Certification #:

APPENDIX B
(Required When Owner or Operator is a Non-Corporate Entity
Other Than An Individual)

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM
Pursuant to the Renewable Energy Act
Section 39-26-1 et. seq. of the General Laws of Rhode Island

RESOLUTION OF AUTHORIZATION

Resolved: that Jeffrey M. Auser, named in section 1.8 of the Renewable Energy Resources Eligibility Form as Authorized Representative, is authorized to execute the Application on the behalf of Erie Boulevard Hydropower LP, the Owner or Operator of the Generation Unit named in section 1.1 of the Application.

SIGNATURE:

Jeffrey M. Auser

DATE:

10/5/06

State:

New York

County:

Columbia

(TO BE COMPLETED BY NOTARY) I, Theresa L Schardt, as a notary public, certify that I witnessed the signature of the above named Jeffrey M. Auser and that said person stated that he is authorized to execute this resolution, and the individual verified his identity to me, on this date: October 5, 2006.

SIGNATURE:

Theresa L Schardt

DATE:

10/5/06

My commission expires on:

3/02/10

NOTARY SEAL:

THERESA L SCHARDT
NOTARY PUBLIC ONONDAGA COUNTY
NEW YORK STATE
REGISTRATION #01SC6003309
EXPIRES 03/02/2010

APPENDIX C
**(Required of all Applicants with Generation Units at the Site of Existing
Renewable Energy Resources)**

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

**Pursuant to the Renewable Energy Act
Section 39-26-1 et. seq. of the General Laws of Rhode Island**

If the Generation Unit: (1) first entered into commercial operation before December 31, 1997; or (2) is located at the exact site of an Existing Renewable Energy Resource, please complete the following and attach documentation, as necessary to support all responses:

- C.1 Is the Generating Unit seeking certification, either in whole or in part, as a New Renewable Energy Resource? X Yes No
- C.2 If you answered “Yes” to question C.1, please complete the remainder of Appendix C. If you answered “No” and are seeking certification entirely as an Existing Renewable Energy Resource, you do NOT need to complete the remainder of Appendix C.
- C.3 If an Existing Renewable Energy Resource is/was located at the site, has such Existing Renewable Energy Resource been retired and replaced with the new Generation Unit at the same site? X Yes No
- C.4 Is the Generation Unit a Repowered Generation Unit (as defined in Section 3.28 of the RES Regulations) which uses Eligible Renewable Energy Resources and which first entered commercial operation after December 31, 1997 at the site of an existing Generation Unit? Yes X No
- C.5 If you checked “Yes” to question C.4 above, please provide documentation to support that the entire output of the Repowered Generation Unit first entered commercial operation after December 31, 1997.
- C.6 Is the Generation Unit a multi-fuel facility in which an Eligible Biomass Fuel is first co-fired with fossil fuels after December 31, 1997? Yes X No
- C.7 If you checked “Yes” to question C.6 above, please provide documentation to support that the renewable energy fraction of the energy output first occurred after December 31, 1997.

- C.8 Is the Generation Unit an Existing Renewable Energy Resource other than an Intermittent Resource (as defined in Section 3.9 and 3.14 of the RES Regulations)? Yes X No
- C.9 If you checked “Yes” to question C.8 above, please attach evidence of completed capital investments after December 31, 1997 attributable to efficiency improvements or additions of capacity that are sufficient to, were intended to, and can be demonstrated to increase annual electricity output in excess of ten percent (10%). As specified in Section 3.22.v of the RES Regulations, the determination of incremental production shall not be based on any operational changes at such facility **not directly** associated with the efficiency improvements or additions of capacity.
- C.10 Is the Generating Unit an Existing Renewable Energy Resource that is an Intermittent Resource? Yes X No
- C.11 If you checked “Yes” to question C.10 above, please attach evidence of completed capital investments after December 31, 1997 attributable to efficiency improvements or additions of capacity that are sufficient to, were intended to, and have demonstrated on a normalized basis to increase annual electricity output in excess of ten percent (10%). The determination of incremental production shall not be based on any operational changes at such facility **not directly** associated with the efficiency improvements or additions of capacity. In no event shall any production that would have existed during the Historical Generation Baseline period in the absence of the efficiency improvements or additions to capacity be considered incremental production. Please refer to Section 3.22.vi of the RES Regulations for further guidance.
- C.12 If you checked “Yes” to C.10, provide the single proposed percentage of production to be deemed incremental, attributable to the efficiency improvements or additions of capacity placed in service after December 31, 1997. Please provide backup information sufficient for the Commission to make a determination of this incremental production percentage.
- C.13 If you checked “no” to both C.3 and C.4 above, please complete the following:
- a. Was the Existing Renewable Energy Resource located at the exact site at any time during calendar years 1995 through 1997? Yes No
 - b. If you checked “yes” in Subsection (a) above, please provide the Generation Unit Asset Identification Number and the average annual electrical production (MWhs) for the three calendar years 1995 through 1997, or for the first 36 months after the Commercial Operation Date if that date is after December 31, 1994, for each such Generation Unit.
 - c. Please attach a copy of the derivation of the average provided in (b) above, along with documentation support (such as ISO reports) for the information provided in Subsection (b) above. Data must be consistent with quantities used for ISO Market Settlement System.

APPENDIX E**(Required of all Applicants Located in a Control Area Adjacent to NEPOOL)****STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION****RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM****Pursuant to the Renewable Energy Act
Section 39-26-1 et. seq. of the General Laws of Rhode Island**

Please complete the following and attach documentation, as necessary to support all responses:

E.1 Please indicate in which Control Area adjacent to NEPOOL the Generation Unit is located:

- New York Independent System Operator
 Hydro Quebec
 Maritimes (including Northern Maine Independent System Administrator)

E.2 Applicant must provide to the Commission by July 1st of each year assurances that the Generation Unit's New Renewable Energy Resources used for compliance with the Rhode Island's Renewable Energy Act during the previous Compliance Year have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Rhode Island. Such assurances may consist of a report from a neighboring Generation Attribute accounting system or an affidavit from the Generation Unit.

- ← please check this box to acknowledge this requirement
 N/A or other (please explain) _____
-

E.3 Applicant must acknowledge and provide evidence to support that, in accordance with Section 5.1.ii of the RES Regulations, the Generation Attributes associated with the Generation Unit shall be applied to the Rhode Island Renewable Energy Standard only to the extent of the energy produced by the Generation Unit that is or will be actually delivered into NEPOOL for consumption by New England customers. Verification of the delivery of such energy from the Generation Unit into NEPOOL will performed in accordance with subparagraphs (a), (b) and (c) of RES Regulations Section 5.1.ii.

- ← please check this box to acknowledge this requirement
 N/A or other (please explain) _____
-

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

WILLIAM M. FLYNN
Chairman
THOMAS J. DUNLEAVY
LEONARD A. WEISS
NEAL N. GALVIN
PATRICIA L. ACAMPORA



DAWN JABLONSKI RYMAN
General Counsel

JACLYN A. BRILLING
Secretary

February 8, 2006

Erie Hydropower, LP
225 Greenfield Parkway
Suite 201
Liverpool, NY 13088

RE: Operational Certification for the Spier Falls, Higley Falls, and Brown Falls Hydro Upgrade Projects

Erie Hydropower Partners:

The New York State Energy Research and Development Authority (NYSERDA) has forwarded to me an Independent Engineering Report and other documentation with regard to the subject hydro facility upgrade projects. NYSERDA indicated that it had examined the supporting documentation provided and recommends that Operational Certification be granted.

My staff and I have also reviewed the materials provided. Based on our review of the documentation materials, and verification by NYSERDA, Operational Certification is granted subject to ongoing compliance with the terms of your contract with NYSERDA. This certification is granted pursuant to the Commission's April 14, 2005 Order in which I was delegated authority to do so upon verification by NYSERDA that the project has been constructed and/or will operate in accordance with the proposal that was submitted for which provisional certification was granted. Accordingly, Renewable Portfolio Standard Program incentive payments may commence for the incremental energy produced and sold into the New York State wholesale spot market beginning January 1, 2006.

Congratulations on successful completion of the facility upgrades.

Very truly yours,

James T. Gallagher
Director, Office of Electricity and Environment

cc: NYSERDA

| | | | | | |
|-------------------|----------------------|---------|-----------|------------|---|
| Post-it® Fax Note | 7671 | Date | 9/7/06 | # of pages | 1 |
| To | Cole Coleman | From | Liz Hanna | | |
| Co./Dept. | Brookfield Power Co. | Co. | NYSERDA | | |
| Phone # | | Phone # | | | |
| Fax # | 315-461-8577 | Fax # | | | |

**FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF ENERGY PROJECTS
DIVISION OF DAM SAFETY AND INSPECTIONS
NEW YORK REGIONAL OFFICE
19 West 34th Street - Suite 400
New York, New York 10001**

Office No. (212) 273-5900

FAX No. (212) 631-8124

In reply refer to:
P-2320-NY
NATDAM ID No. NY00252

Middle Raquette River
Higley Redevelopment
Commercial Operation Start

January 9, 2004

Mr. Samuel S. Hirschey, P.E.
Manager - Licensing, Compliance and Project Properties
Reliant Energy as General Partner for
Erie Boulevard Hydropower, L.P.
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088

Dear Mr. Hirschey:

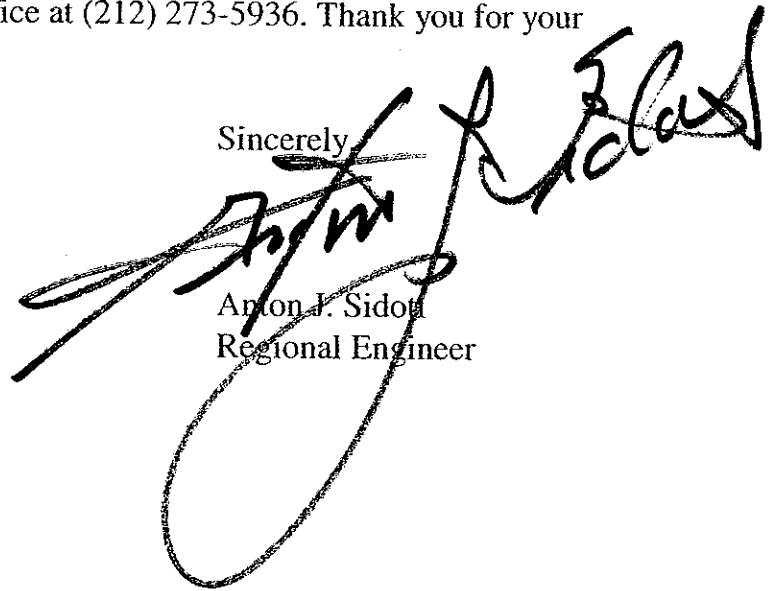
By letter dated December 3, 2003, Mr. Thomas Skutnik, P.E., of your staff, submitted Construction Progress Report No. 7 for the Higley Development of the Middle Raquette Project.

The referenced progress report establishes September 26, 2003 as the date for the start of commercial operation of the plant.

Our records will reflect this date reported in the reference progress report, unless you notify us differently.

If you have any questions or concerns regarding the above matter, please contact Mr. Daniel Smith, Project Engineer, of this office at (212) 273-5936. Thank you for your continued cooperation.

Sincerely

A large, stylized handwritten signature in black ink, appearing to read 'Anton J. Sidon', is written over the typed name and title.

Anton J. Sidon
Regional Engineer

cc: Mr. Thomas Skutnik, P.E.
Reliant Energy as General Partner for
Erie Boulevard Hydropower, L.P.
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088