

RIPUC Use Only

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

GIS Certification #:

MSS860

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM**The Standard Application Form**

Required of all Applicants for Certification of Eligibility of Renewable Energy Resource
 (Version 5 – January 5, 2007)

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): Briar Hydro Associates – Rolfe Canal
- 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
- 1.4.1 Primary Contact Person name and title: Richard A. Norman, President, Essex Hydro Associates, L.L.C.
- 1.5 Primary Contact Person address and contact information:
Address: c/o Essex Hydro Associates, L.L.C.
55 Union St., 4th Floor
Boston, MA 02108
Phone: 617-367-0032 Fax: 617-367-3796
Email: brha@essexhydro.com
- 1.6 Backup Contact Person name and title: Harry Wolf, Vice President
- 1.7 Backup Contact Person address and contact information:
Address: c/o Essex Hydro Associates, L.L.C.
55 Union St. 4th Floor
Boston, MA 02108
Phone: 617-367-0032 Fax: 617-367-3796
Email: hw@essexhydro.com

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.

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): Richard A. Norman, President, Essex Hydro Associates, L.L.C., General Partner

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

1.9 Authorized Representative address and contact information:

Address: c/o Essex Hydro Associates, L.L.C.
55 Union St., 4th Floor
Boston, MA 02108
Phone: 617-367-0032 Fax: 617-367-3796
Email: brha@essexhydro.com

1.10 Owner name and title: Briar Hydro Associates, Essex Hydro Associates, L.L.C., General Partner

1.11 Owner address and contact information:

Address: c/o Essex Hydro Associates, L.L.C.
55 Union St., 4th Floor
Boston, MA 02108
Phone: 617-367-0032 Fax: 617-367-3796
Email: brha@essexhydro.com

1.12 Owner business organization type (check one):

- Individual
 Partnership
 Corporation
 Other: _____

1.13 Operator name and title: Briar Hydro Associates

1.14 Operator address and contact information:

Address: c/o Essex Hydro Associates, L.L.C.
55 Union St., 4th Fl.
Boston, MA 02108
Phone: 617-367-0032 Fax: 617-367-3796
Email: brha@essexhydro.com

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 (either or both as applicable): MSS860
- 2.2 Generation Unit Nameplate Capacity: 4.31 MW
- 2.3 Maximum Demonstrated Capacity: 5.58 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*
- ← check this box to certify that the above statement is true
 - 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*
- ← check this box to certify that the above statement is true
 - 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: 12 / 15 / 87 at the site.
- 3.2 Is there an Existing Renewable Energy Resource located at the site of 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 (check all that apply):
 ISO-NE Market Settlement System
 Self-reported to the NEPOOL GIS Administrator
 Other (please specify below and see Appendix D: Eligibility for Aggregations):

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: 83A Washington St.
Penacook, NH 03303

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

- A. Universal Transverse Mercator Coordinates: 691863.4082772981/4781286.478331077
- B. Longitude/Latitude: 71 36 5 / 43 16 35

5.4 The Generation Unit located: (please check the appropriate box)

- In the NEPOOL control area
- In a control area adjacent to the NEPOOL control area
- In a control area other than NEPOOL which is not adjacent to the NEPOOL control area ← *If you checked this box, then the generator does not qualify for the RI RES – therefore, please do not complete/submit this form.*

5.5 If you checked "In a control area adjacent to the NEPOOL control area" 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:

Briar Hydro Associates

By: Essex Hydro Associates, L.L.C., General Partner



DATE:

Aug. 14, 2007

President

(Title)

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 Richard A. Norman, 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 Briar Hydro Associates, the Owner or Operator of the Generation Unit named in section 1.1 of the Application.

SIGNATURE:

Richard A. Norman

DATE:

Aug 14, 2007

State: Massachusetts

County: Suffolk

(TO BE COMPLETED BY NOTARY) I, Harry Wolf as a notary public, certify that I witnessed the signature of the above named Richard A. Norman, and that said person stated that he/she is authorized to execute this resolution, and the individual verified his/her identity to me, on this date: August 14, 2007.

SIGNATURE:

Harry Wolf

DATE:

8/14/07

My commission expires on:



HARRY WOLF
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 7, 2011

NOTARY SEAL:



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? 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? 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 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 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 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 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.

FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF HYDROPOWER LICENSING
HYDROPOWER LICENSE COMPLIANCE TRACKING SYSTEM

PROJECT NO: 03240 PROJECT NAME: ROLFE CANAL PROJECT TYPE: 00 ORDER TYPE: 1 RO: NY ENGINEER

PROJECT COMPLIANCE SUMMARY

PROJECT IDENTIFICATION INFORMATION

RECIPIENT (1): Briar-Hydro Associates (MA) RIVER BASIN CODE: 0124410000KA0 CAPACITY (KW): 4,31
 (2): N H Dept-Enir Serv-Wtr Res Div (NH) WATERWAY NAME(1): CONTOOCOOK RIVER
 (3): WATERWAY NAME(2):
 (4): WATERWAY NAME(3): ROSELL
 (5): CITY(1): PENACOOK
 COUNTY(1): MERRIMACK
 STATE(1): NH
 CITY(2):
 COUNTY(2):
 STATE(2):

TELEPHONE: (617)367-0032
 ADDRESS: ONE STATE STREET, SUITE 1200
 STATE: MA ZIP: 02109

PROJECT DATES

ISSUANCE DATE: 12/05/1984 EFFECTIVE DATE: 12/01/1984 CONSTRUCTION START DATE: 06/09/1986 FINISH DATE: 08/01/1988 OPERATION DATE: 12/15/1987 EXPIRATION DATE: 11/30/2024

TRACKABLE ITEMS

ILCTS NO.	ART NO.	DESCRIPTION OF REQUIREMENT	REVIEW CODE	REVIEWER	ORGANIZATION	DUE DATE	EXT REQ DATE	EXT GRANT DATE	EXT DUE DATE	DEFICY LETTER SENT	DEFICY REPLY DUE	NONCOMP LETTER SENT	NONCOMP REPLY DUE	DATE FILED	DEFICY REPLY FILED
C02	REG	EMERGENCY ACTION PLAN				053189	041089	041389	061689					062389	06
C04	REG	CONSTRUCTION FINISH DATE				120588								080588	08
C06	028	EXHIBIT A (HEW) - PROJECT	ENGR	COOPER		110488	021089							041489	10
C07	028	EXHIBIT F (NEW) - GENERAL	ENGR	BELL		110488	021089							041489	10
C08	028	AS-BUILT DRAWINGS	ENGR	DAS		110488	021089							041489	04
C10	030	FISHWAY FACILITY PLANS	ENV	CROW		070188	080586	092586	123199	060189	090189	011989	020989	041489	10
C11	030	FISHWAY FACILITY PLANS	ENV	CROW		123199								041489	10
C12	034	CULTURAL RESOURCES	ENV	CROW		123199								041489	10
C13	00C	FISHWAY FACILITY PLANS	ENV	MUDRE		120192	111992	121092	122392					122492	10
C16	030	MINIMUM FLOW REQUIREMENT				123194									10
C17	004	OPERATIONAL FOLLOW-UP ITE				051589	062689	063089	071489	072889	082889	052489	060389	071989	09
C22	020	WILDLIFE RESOURCES	ENV	CROW		120585								071087	07
C23	REG	OPERATIONAL FOLLOW-UP ITE				060989								062989	06
C24	REG	PUBLIC SAFETY DEVICE INST				120889								120889	12
C25	REG	PUBLIC SAFETY DEVICE INST				053190								051090	05
C26	REG	FILE MICROFILM COPY OF EX	ENGR	DAS		011290								073093	01
C27	REG	PUBLIC SAFETY DEVICE INST				050990								051090	05
C28	004	OPERATIONAL FOLLOW-UP ITE				050990								051090	05
C29	REG	EMERGENCY ACTION PLAN UPD				101290								101290	10
C30	REG	OPERATIONAL FOLLOW-UP ITE				080391								082291	08
C31	REG	OPERATIONAL FOLLOW-UP ITE				083192	082592	083192	091892	021093	041293			092092	04
C32	REG	OPERATIONAL FOLLOW-UP ITE				111591	120391	120491	122091					122391	12
C33	189	RECREATION PLAN	ENV	COFRANCESC		040191	091492	092592	103093					070792	01
C34	00B	RECREATION PLAN	ENV	HAYES		060192	122391	011692	053193					022592	02
C35	REG	CONSTRUCTION QUALITY CONT				032492								031092	04
C36	REG	OPERATIONAL FOLLOW-UP ITE				060391								082592	08
C37	REG	PUBLIC SAFETY DEVICE INST				082892								082592	08



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL
TEN FRANKLIN SQUARE
NEW BRITAIN, CT 06051

DOCKET NO. 04-06-31 APPLICATION OF BRIAR HYDRO ASSOCIATES FOR
QUALIFICATION OF BRIAR HYDRO/ROLFE CANAL AS A
CLASS II RENEWABLE ENERGY SOURCE

December 22, 2004

By the following Commissioners:

Anne C. George
Donald W. Downes
John W. Betkoski, III

DECISION

INTRODUCTION

A. SUMMARY

In this Decision, the Department of Public Utility Control determines that the Briar Hydro/Rolfe Canal generating facility qualifies as a Class II renewable energy source as a run-of-river hydroelectric facility and assigns it Connecticut Renewable Portfolio Standard (RPS) Registration Number CT00138-04.

B. BACKGROUND OF THE PROCEEDING

By application dated June 16, 2004, Briar Hydro Associates (Briar Hydro) requested that the Department of Public Utility Control (Department) determine that the Briar Hydro/Rolfe Canal (Rolfe Canal) generation facility qualifies as a Class II renewable energy source.

Rolfe Canal is a run-of-river hydroelectric facility located in Penacook, New Hampshire. Rolfe Canal began commercial operation on December 15, 1987, and has a nameplate capacity of 4.31MW.

C. CONDUCT OF THE PROCEEDING

There is no statutory requirement for a hearing, no person requested a hearing, and none was held.

D. PARTICIPANTS IN THE PROCEEDING

The Department recognized Briar Hydro Associates, c/o Essex Hydro Associates LLC, 55 Union Street, 4th Floor, Boston, MA 02108, and the Office of Consumer Counsel, Ten Franklin Square, New Britain, Connecticut 06051, as participants in this proceeding.

II. DEPARTMENT ANALYSIS

Pursuant to Connecticut General Statutes (C.G.S.) §16-1(a)(27), as amended by Public Act 03-135, An Act Concerning Revisions to the Electric Restructuring Legislation, "Class II renewable energy source" includes energy derived from a run-of-the-river hydropower facility provided such facility has a generating capacity of not more than five megawatts, does not cause an appreciable change in the river flow, and began operation prior to July 1, 2003.

In interpreting C.G.S. §16-1(a)(27), the Department determined that:

(1) "Facility" refers to an entire hydroelectric plant at a single site rather than a turbine generating unit within a hydroelectric plant;

(2) The "generating capacity of not more than five megawatts" refers to a hydroelectric facility's nameplate capacity, not its actual or average generation output;

(3) In order to qualify as "run-of-the-river," a hydroelectric facility must show a current FERC license or exemption that requires the facility to operate in run-of-river mode. In addition, a facility can qualify as a Class I or Class II renewable energy facility only to the extent that its FERC license or exemption requires run-of-river operation. Hydroelectric facilities that are not regulated by FERC will be required to show a FERC order or a court decision stating that FERC has no jurisdiction, or has declined to exercise jurisdiction, over such facility. In such cases, the hydroelectric facility must show that its operation allows the river inflow to equal outflow instantaneously and therefore, does not cause an appreciable change in the river flow; and

(4) "Began operations" means (A) the date an existing facility with generation began commercial operation as shown in documentation from FERC; (B) the new date given to an abandoned or destroyed facility that comes back into operation as shown in its documentation from FERC or as determined by the Department; (C) the date upon which a facility changes operation from store and release to run-of-river as shown in documentation from FERC; or (D) the new date that incremental generation is in operation at an existing facility as shown in its documentation from FERC.

See Docket No. 04-02-07, DPUC Declaratory Ruling Concerning "Run-of-the-River Hydropower" as That Term is Used in the Definitions of Class I and Class II Renewable Energy Source in C.G.S. §16-1(a)(26) &(27).

As provided in the application, Rolfe Canal is a hydroelectric facility located at 83A Washington Street, Penacook, New Hampshire 03303. Rolfe Canal is currently owned by Briar Hydro. According to Briar Hydro, there are 2 turbine generators at this facility, with a total combined nameplate capacity of 4.31 megawatts. According to its current FERC license, Rolfe Canal is licensed to operate as a hydroelectric facility for 40 years beginning on December 5, 1984. Rolfe Canal's FERC License, Project No. 3240-001, December 5, 1984 (FERC License). The FERC License states that Rolfe Canal "would operate in run-of-river mode." FERC License, p. 4. Under its License, Rolfe Canal is also required to discharge from the Rolfe Canal Project continuous minimum flows or the inflow to the project, whichever is less, for the purpose of protecting and enhancing aquatic resources in the Contoocook River. FERC license, Article 32. For purposes of C.G.S. §16-1(a)(27), the Department determines that this flow requirement would enable Rolfe Canal to qualify as a run-of-river facility.

Based on the foregoing, the Department determines that Rolfe Canal qualifies as a Class II renewable energy facility.

FINDINGS OF FACT

1. Rolfe Canal is a hydroelectric generating facility located in Penacook, New Hampshire.
2. Rolfe Canal is currently owned by Briar Hydro Associates.
3. Rolfe Canal began operation on December 15, 1987.
4. Rolfe Canal has 2 turbine generators with a total combined nameplate capacity of 4.31 megawatts.
5. Rolfe Canal is licensed by FERC to operate as a hydroelectric facility for 40 years beginning on December 5, 1984.
6. Under its FERC license, Rolfe Canal is required to discharge from the Rolfe Canal Project continuous minimum flows or the inflow to the project, whichever is less.

CONCLUSION

Based on the evidence submitted, the Department finds that Rolfe Canal qualifies as a Class II renewable generation source pursuant to Connecticut General Statutes §16-1(a)(27).

The Department assigns each renewable generation source a unique Connecticut Renewable Portfolio Standard (RPS) registration number. Rolfe Canal's Connecticut RPS registration number is CT00138-04.

The Department's determination in this docket is based on the information submitted by Briar Hydro. The Department may reverse its ruling or revoke the Applicant's registration if any material information provided by the Applicant proves to be false or misleading. The Department reminds Briar Hydro that it is obligated to notify the Department within 10 days of any changes to any of the information it has provided to the Department.

DOCKET NO. 04-06-31 APPLICATION OF BRIAR HYDRO ASSOCIATES FOR
QUALIFICATION OF BRIAR HYDRO/ROLFE CANAL AS
A CLASS II RENEWABLE ENERGY SOURCE

This Decision is adopted by the following Commissioners:

Anne C. George

Donald W. Downes

John W. Betkoski, III

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.

Louise Rickard 12/22/04
Louise E. Rickard Date
Acting Executive Secretary
Department of Public Utility Control