

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: APPLICATION FOR STANDARD CERTIFICATION DOCKET NO. 3882
AS ELIGIBLE RENEWABLE ENERGY RESOURCE
FILED BY EVERGREEN WIND POWER, LLC
– MARS HILL WIND FARM

ORDER

WHEREAS, Effective January 1, 2006, the Rhode Island Public Utilities Commission ("Commission") adopted Rules and Regulations Governing the Implementation of a Renewable Energy Standard ("RES Regulations") including requirements for applicants seeking certification as an Eligible Renewable Energy Resource under the RES Regulations¹ pursuant to the Renewable Energy Act, Section 39-26-1 et. seq. of the General Laws of Rhode Island; and

WHEREAS, On October 4, 2007, Evergreen Wind Power, LLC, ("Applicant"), Authorized Representative: Paul Gaynor, c/o UPC Wind Management, LLC, 85 Wells Ave, Suite 305, Newton, MA 02459, pgaynor@upcwind.com filed with the Commission an application seeking certification for its Mars Hill Wind Farm project, a 42 MW wind project, as an eligible New Renewable Energy Resource under the State of Rhode Island RES Regulations ("Application"); and

WHEREAS, Pursuant to Section 6.0 and other relevant Sections of the RES Regulations, a thirty (30) day period for public comment was provided during which time, no such comments were received; and

¹ State of Rhode Island and Providence Plantations Public Utilities Commission Rules and Regulations Governing the Implementation of a Renewable Energy Standard – Date of Public Notice: September 23, 2005, Date of Public Hearing: October 12, 2005, Effective Date: January 1, 2006.

WHEREAS, A request for supplemental information was issued by the Commission's consultant seeking additional documentation regarding delivery from an adjacent control area, and the review of the Application has been on hold because the Commission has been awaiting the submission of the supplemental information, and

WHEREAS, It has been over five (5) years since the submission of the Application; and

WHEREAS, Commission Staff contacted the Applicant on May 28, 2013 via electronic mail to determine whether Evergreen Power, LLC intended to proceed with the Application, requesting a response by June 4, 2013, and received an undeliverable email response; and

WHEREAS, Commission Staff has determined that ownership of the facility appears to have changed to First Wind and on May 29, 2013, Commission Staff attempted to contact First Wind using the contact information from other RES Applications filed by First Wind to determine whether there was interest in proceeding with the application process to which Commission Staff received no response; and

WHEREAS, On June 28, 2013, at a duly noticed Open Meeting, the Commission considered the Application, determined that it has been pending for more than two years without approval based on an outstanding request from the Commission/its consultant for more information. The Commission found that it appears the project has changed ownership and that the Applicant may no longer have control of the facility. The Commission found that the Applicant had been contacted at least thirty (30) days prior to the Open Meeting and had not responded to the Commission's inquiry. Therefore, the Commission rejected the pending Application for lack of compliance with the RES

application process, having been unresponsive to a request for additional information for over five years. However, the Commission found that such a determination does not address the merits of the application nor does it preclude the Applicant or a subsequent project owner from submitting a New Renewable Energy Resource Application for the project.

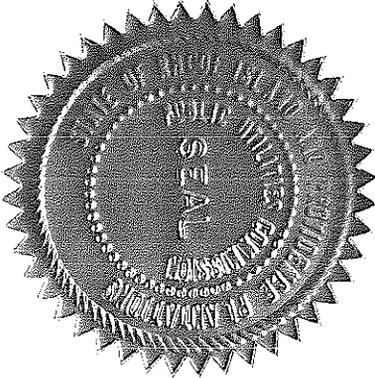
Accordingly, it is hereby

(21089) ORDERED:

- 1) That the Application for Certification as an eligible New Renewable Energy Resource under the State of Rhode Island RES Regulations submitted by Evergreen Power, LLC for its Mars Hill Wind Farm project in Mars Hill, ME (GIS # IMP 32611), is hereby denied without prejudice on the basis that the Applicant did not complete the application process in a timely manner and it appears that ownership of the facility has changed and that Applicant may no longer have control of the facility.
- 2) This Order does not make a determination of whether the Project would meet the eligibility requirements under the State of Rhode Island Renewable Energy Standard and therefore, the Applicant or a new project owner may submit a new application to the Commission for its review in the future.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON JUNE 28,
2013 PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED
JUNE 28, 2013.

PUBLIC UTILITIES COMMISSION





Elia Germani, Chairman



Mary E. Bray, Commissioner

* Paul J. Roberti, Commissioner

NOTICE OF RIGHT OF APPEAL PURSUANT TO R.I.G.L. SECTION 39-5-1, ANY
PERSON AGGRIEVED BY A DECISION OR ORDER OF THE COMMISSION MAY,
WITHIN SEVEN DAYS (7) DAYS FROM THE DATE OF THE ORDER, PETITION
THE SUPREME COURT FOR A WRIT OF CERTIORARI TO REVIEW THE
LEGALITY AND REASONABLENESS OF THE DECISION OR ORDER.

*Commissioner Roberti concurs but is unavailable for signature.