

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

IN RE: APPLICATION FOR STANDARD CERTIFICATION      DOCKET NO. 3995  
AS ELIGIBLE RENEWABLE ENERGY RESOURCE  
FILED BY GOLDEN POND HYDRO LLC – GOLDEN  
POND HYDRO PROJECT

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 Regulations<sup>1</sup> pursuant to the Renewable Energy Act, Section 39-26-1 et. seq. of the General Laws of Rhode Island; and

WHEREAS, On October 22, 2008, Golden Pond Hydro LLC, ("Applicant"), Authorized Representative: Bill Fay, PO Box 624, Thorndike, MA 01079, filed with the Commission an application seeking certification for its Golden Pond Hydro Project, a 0.85 MW hydroelectric project, as an eligible New and Existing 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

WHEREAS, On January 1, 2009, a request for supplemental information was issued by the Commission's consultant regarding the flow data required by Appendix C to

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<sup>1</sup> 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.

calculate the new and existing percentage and to prove the project was a repowered generation unit, 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 four (4) years since the submission of the Application; and

WHEREAS, Commission Staff contacted the Applicant on two occasions in May 2013 to determine whether Golden Pond Hydro LLC intended to proceed with the Application and was advised that the Project had been sold; and

WHEREAS, The new project owner was contacted and expressed interest in filing an application for certification; and

WHEREAS, On June 13, 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 the Applicant has been contacted more than thirty (30) days prior to the Open Meeting and has advised the Commission that the Project had been sold. Applicant was advised to file a withdrawal letter. None was received. Therefore, the Commission rejected the pending Application for lack of compliance with the RES application process, having been unresponsive to a request for more information for over four 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.

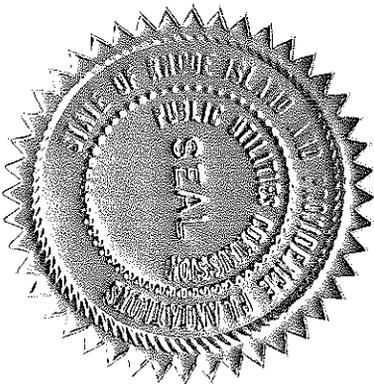
Accordingly, it is hereby

(21073) ORDERED:

- 1) That the Application for Certification as an eligible New and Existing Renewable Energy Resource under the State of Rhode Island RES Regulations submitted by Golden Pond, LLC for its Golden Pond Hydro project in Ashland, NH, is hereby denied without prejudice on the basis that the Applicant did not complete the application process in a timely manner.
- 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 new project owner may submit a new application for Commission review in the future.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON JUNE 13, 2013 PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED JUNE 20, 2013.

PUBLIC UTILITIES COMMISSION



*Elia Germani*

Elia Germani, Chairman

*Mary E. Bray*

Mary E. Bray, Commissioner

*Paul J. Roberti*

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.