

#4083



August 14, 2009

Ms. Luly E. Massaro  
Commission Clerk  
State of Rhode Island  
Public Utilities Commission  
89 Jefferson Blvd.  
Warwick, RI 02888

2009 AUG 17 AM 8:33  
STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION

Re: *Application for Rhode Island Existing Renewable Energy Source Eligibility  
FPL Energy Maine Hydro, LLC*

Dear Ms. Massaro,

NextEra Energy Maine Operating Services, LLC, on behalf of FPL Energy Maine Hydro, LLC, hereby petitions the Rhode Island Public Utilities Commission for certification as an Existing Renewable Energy Source under Rhode Island's Renewable Portfolio Standard Program. Attached is the application for the eligibility of FPL Energy Maine Hydro, LLC's Deer Rips (FERC No.2283) hydroelectric facility on the Androscoggin River for the Renewable Portfolio Standard. The required documentation as requested within the application is attached to each form.

If you have any questions regarding these submissions please contact me at (207) 623-8418.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Stevens".

Nate Stevens  
Associate Business Manager  
[nate.stevens@nexteraenergy.com](mailto:nate.stevens@nexteraenergy.com)

**ORIGINAL**

**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 6 – January 21, 2008)

### 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](http://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](mailto: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](http://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 [RES@puc.state.ri.us](mailto:RES@puc.state.ri.us)

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**SECTION I: Identification Information**

1.1 Name of Generation Unit (sufficient for full and unique identification):

Deer Rips Project (FERC No. 2283)

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1.2 Type of Certification being requested (check one):

Standard Certification       Prospective Certification (Declaratory Judgment)

1.3 This Application includes: (Check all that apply)<sup>1</sup>

- 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: \_\_\_\_\_

Nate Stevens, Associate Business Manager

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1.5 Primary Contact Person address and contact information:

Address: 160 Capitol St

Suite 8

Augusta, ME 04330

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Phone: (207) 623-8418

Fax: (207) 623-1016

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Email: nate.stevens@nexteraenergy.com

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1.6 Backup Contact Person name and title: \_\_\_\_\_

Chad Clark, Business Manager

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1.7 Backup Contact Person address and contact information:

Address: 160 Capitol St

Suite 8

Augusta, ME 04330

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Phone: (207) 623-8414

Fax: (207) 623-1016

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Email: chad.clark@nexteraenergy.com

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<sup>1</sup> 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):

Al Wiley, Vice President

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

1.9 Authorized Representative address and contact information:

Address: 160 Capitol St  
Suite 8  
Augusta, ME 04330  
Phone: (207) 623-8413 Fax: (207) 623-1016  
Email: al.wiley@nexteraenergy.com

1.10 Owner name and title: FPL Energy Maine Hydro, LLC

Atten: Chad Clark, Business Manager

1.11 Owner address and contact information:

Address: 160 Capitol St  
Suite 8  
Augusta, ME 04330  
Phone: (207) 623-8414 Fax: (207) 623-1016  
Email: chad.clark@nexteraenergy.com

1.12 Owner business organization type (check one):

- Individual  
 Partnership  
 Corporation  
 Other: Limited Liability Company

FPL Energy Maine Operating Services, LLC

1.13 Operator name and title: Atten: Chris Allen, General Manager

1.14 Operator address and contact information:

Address: 160 Capitol St  
Suite 8  
Augusta, ME 04330  
Phone: (207) 623-8415 Fax: (207) 623-1016  
Email: chris.allen@nexteraenergy.com

1.15 Operator business organization type (check one):

- Individual  
 Partnership  
 Corporation  
 Other: Limited Liability Company

**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): 328
- 2.2 Generation Unit Nameplate Capacity: 7.0 MW
- 2.3 Maximum Demonstrated Capacity: 7.0 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: N/A
- 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**

No Certification Process for Maine Class II

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

- 3.1 Date Generation Unit first entered Commercial Operation: \_\_\_ / \_\_\_ / 1902 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: Deer Rips Station  
150 Deer Rips Rd.  
Auburn, ME 04210

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

A. Universal Transverse Mercator Coordinates: 19T 403795 m E 4887709 m N

B. Longitude/Latitude: 44° 8' 5" W / 70° 12' 9" N

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	<input checked="" type="radio"/> N/A
Corporate Certification provided?	Yes	No	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> N/A
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**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?	<input checked="" type="radio"/> Yes	No	N/A
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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:

J. Allen Uley  
Vice President

(Title)

DATE:

8/14/09

GIS Certification #:  
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**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 F. Allen Wiley, 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 FPL Energy Maine Hydro LLC,  
the Owner or Operator of the Generation Unit named in section 1.1 of the Application.

SIGNATURE:

Rita W. Costantino  
Rita W. Costantino

DATE:

August 13, 2009

State: Florida

County: Palm Beach

(TO BE COMPLETED BY NOTARY) I, Anita Kabana as a  
notary public, certify that I witnessed the signature of the above named Rita W. Costantino,  
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 13, 2009.

SIGNATURE:

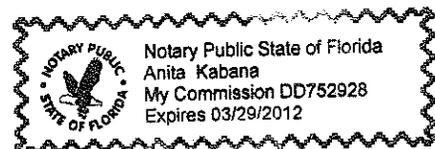
Anita Kabana

DATE:

Augst 13, 2009

My commission expires on: 3/29/2012

NOTARY SEAL:



# FPL ENERGY MAINE HYDRO, LLC

## INCUMBENCY CERTIFICATE

The undersigned, Assistant Secretary of FPL Energy Maine Hydro, LLC, a Delaware Limited Liability Company (the "Company"), hereby certifies that the following is a true and correct list of the Officers of the Company and the signatures below set opposite their names are their genuine signatures as of the date of this certificate.

<u>Name</u>	<u>Title</u>
TJ Tuscai	President
Miguel Arechabala	Vice President
Kathy A. Beilhart	Vice President, Ass't. Treas. & Ass't. Secretary
Paul I. Cutler	Vice President
Benjamin F. Gilbert, Jr.	Vice President
Matthew W. Handel	Vice President
Michael O'Sullivan	Vice President
Mark R. Sorensen	Vice President, Finance & Chief Financial Officer
F. Allen Wiley	Vice President
Mark R. Sorensen	Treasurer
Charles S. Schultz	Secretary
Rita W. Costantino	Assistant Secretary

IN WITNESS WHEREOF, the undersigned has set her hand as Assistant Secretary of the Company this 1<sup>st</sup> day of July, 2009.



Rita W. Costantino  
Assistant Secretary

**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

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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.