

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
**PUBLIC UTILITIES COMMISSION**

IN RE: APPLICATION FOR STANDARD CERTIFICATION DOCKET NO. 4190  
AS ELIGIBLE RENEWABLE ENERGY RESOURCE  
FILED BY SOMERSET POWER LLC  
– SOMERSET UNIT 6

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 July 8, 2010, Somerset Power LLC, ("Applicant"), Authorized Representative: J. Andrew Murphy, 211 Carnegie Center, Princeton, NJ, 08540, fred.wass@nrgenergy.com filed with the Commission an application seeking certification for its Somerset Unit 6 project, a 120 MW biomass 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

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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.

WHEREAS, A request for supplemental information was issued by the Commission's consultant regarding the Applicant's apparent intention to utilize both Rhode Island eligible and ineligible fuels, 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 just under three (3) years since the submission of the Application; and

WHEREAS, Commission Staff contacted the Applicant on May 28, 2013 via electronic mail to determine whether Somerset Power LLC intended to proceed with the Application, requesting a response by June 4, 2013, and 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 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 two 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.

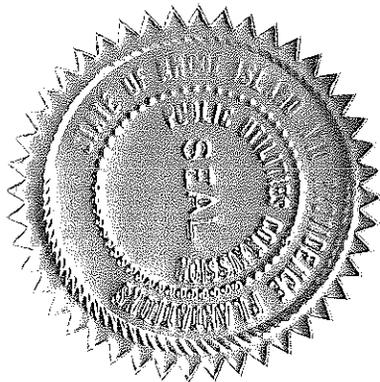
Accordingly, it is hereby

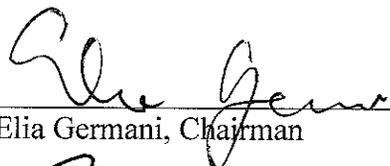
(21088) ORDERED:

- 1) That the Application for Certification as an eligible New Renewable Energy Resource under the State of Rhode Island RES Regulations submitted by Somerset Power LLC for its Somerset Unit-6 project in Somerset, MA (GIS # MSS 577), 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 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.