

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: APPLICATION FOR STANDARD CERTIFICATION DOCKET NO. 4414
AS ELIGIBLE RENEWABLE ENERGY RESOURCE
FILED BY rTERRA, LLC ON BEHALF OF ACP LAND, LLC
ACP SOLAR I – NEW GENERATION

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 May 29, 2013, rTerra LLC, Developer on behalf of ACP Land, LLC c/o Goldstein Associates. ("Company", Authorized Representative: Frank Epps, President & CEO, rTerra, 28 Jacome Way, Middletown, RI 02842. Phone: (401) 619-5290 Fax: (401) 619-5291 Email: frank.epps@rterra.com) filed with the Commission an application seeking certification for its ACP Solar I Generation Unit, a 0.49 MW Solar Energy Generation Unit located in Middletown, RI, as an eligible New Renewable Energy Resource under the State of Rhode Island RES Regulations; and

WHEREAS, Said Company identified two areas of the application that will need to be updated at a later date: Section 2.1 – NEPOOL GIS Identification Number, and Section 3.1 – Commercial Operation Date; 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, 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, After examination, the Commission is of the opinion that the application is proper, reasonable and in compliance with the RES Regulations except for achievement of commercial operation and provision of a NEPOOL GIS Identification Number, and hereby conditionally grants the Company certification as an eligible renewable energy resource pursuant to the Renewable Energy Act, Section 39-26-1 et. seq. of the General Laws of Rhode Island; and

WHEREAS, The Commission's determination in this docket is based on the information submitted by the Company, and the Commission may reverse its ruling or revoke the Applicant's certification if any material information provided by the Applicant proves to be false or misleading.

Accordingly, it is

(21076) ORDERED:

- 1) That the ACP Solar I Generation Unit meets the requirements for eligibility as a New, Solar Renewable Energy Resource with its 0.49 MW, Grid-Connected Generation Unit, located within the NEPOOL control area in Middletown, RI.
- 2) That, as a Generation Unit which has not yet achieved commercial operation, eligibility is granted with a conditional requirement that the Company provide the Commission with written documentation verifying commercial operation and that the Company provide the Generation Unit's NEPOOL-GIS

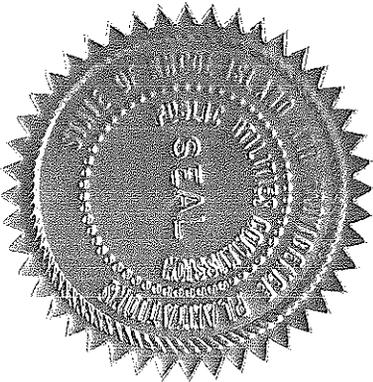
Identification Number when assigned by NEPOOL following achievement of Commercial Operation.

- 3) That following receipt from the Company of acceptable written documentation supporting the Generation Unit's commercial operation date and provision of the NEPOOL-GIS identification number, Commission staff is hereby authorized to remove the conditions of this Order by assigning a unique Rhode Island Public Utilities Commission Eligible Renewable Energy Resource Facility Certification Number for the Company's Generation Unit.
- 4) That coincident with Commission staff's assignment of a unique Rhode Island Public Utilities Commission Eligible Renewable Resource Facility Certification Number for the Company's Generation Unit, Commission Staff will notify the GIS Administrator that NEPOOL-GIS Certificates associated with production of energy from the Company's Generation Unit will be deemed eligible as Rhode Island RECs beginning the first day of the calendar month in which all conditions within this Conditional Approval Order have been met.
- 5) That although the Commission will rely upon the NEPOOL GIS for verification of production of energy from the Company's Generation Unit certified as eligible in this Order, the Company will provide information and access as necessary to the Commission, or persons acting at its behest, to conduct audits or site visits to assist in verification of continued eligibility for and compliance with RI RES Certification at any time at the Commission's discretion.

6) That the Company shall notify the Commission in the event of a change in the facility's eligibility status.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON JULY 11, 2013
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED
JULY 12, 2013

PUBLIC UTILITIES COMMISSION




Margaret E. Curran, Chairperson

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Paul J. Roberti, Commissioner


Mary E. Bray, Commissioner

*Commissioner Roberti concurs but is unavailable for signature.

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.