

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

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

ORDER AMENDING EFFECTIVE DATE OF ELIGIBILITY

On September 26, 2013, the Public Utilities Commission (“PUC”), after public notice and an opportunity for comment, issued Order No. 21165 in which the PUC adopted a new interpretation of the appropriate effective date of eligibility of facilities found to qualify as renewable energy resources under its Rules and Regulations Governing the Implementation of a Renewable Energy Standard (“RES Rules”). Whereas the previous interpretation allowed only energy produced on or after notification to the PUC of the commercial operation date, the new interpretation allows certification of the facilities to be complete earlier, thus allowing test energy to qualify. Specifically, the new interpretation states that:

Certification of an Eligible Renewable Energy Resource is effective upon notification of the facility’s first date of delivery of eligible energy to the ISO-NE grid or if a Customer-sited or off-grid facility, first date of production of eligible energy verified by a PUC-approved independent Verifier, and assignment of a NEPOOL-GIS Asset Identification Number, at which time the PUC issues a unique, Rhode Island-specific certification number. The facility’s Renewable Energy Certificates (“RECs”) become Rhode Island-eligible on the first day which the Rhode Island certification number is issued. All RECs associated with the production of eligible energy that are minted on or after the Effective Date are eligible for the RES.¹

In Order No. 21076, the PUC granted conditional approval of the ACP Solar I project, requiring ACP Solar I to provide the PUC with written documentation of commercial operation verifying commercial operation and providing the NEPOOL-GIS number. On July 24, 2013, in accordance with PUC Order No. 21076, the ACP Solar I project met the conditions, with a

¹ Order No. 21165 (issued September 26, 2013) at 4.

commercial operation date of June 28, 2013.² PUC Order No. 21076, ordering paragraph four stated:

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.³

The 2013 second quarter RECs will be minted on October 15, 2013. ACP Solar I was granted conditional certification as renewable energy resources under the RES Rules during third quarter of 2013. This facility was approved under the prior policy which did not recognize the delivery of energy to the NEPOOL-GIS prior to the facility's commercial operation date. Therefore, as a result of the policy change, the PUC finds it necessary to formally amend the effective date for this facility. In accordance with the PUC's change in policy, Renewable Energy Certificates associated with the production of eligible energy from the ACP Solar I project minted on or after July 24, 2013 will be eligible for the Rhode Island RES provided that the trading period for such RECs has not yet closed.

Accordingly, it is hereby

(21188) ORDERED:

1. The effective dates of certification of renewable generation facilities eligible under the PUC Rules and Regulations Governing the Implementation of a Renewable Energy Standard approved by the PUC during the second and third quarters of 2013, prior to the issuance of Order No. 21165, are hereby amended pursuant to Order No. 21165 (Issued September 26, 2013) such that the eligibility is expanded to include the production of all eligible energy from the units minted on or after the certification date.
2. Order No. 21076 (Docket No. 4414 In re: ACP Solar I) is amended only to the extent that Renewable Energy Certificates associated with the production of eligible energy

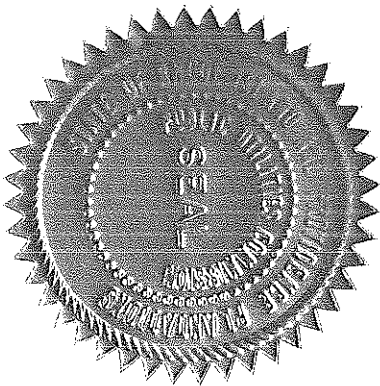
² The NEPOOL-GIS Asset Identification Number is MSS43527.

³ Order No. 21076 (issued July 12, 2013) at 3.

from the ACP Solar I project minted on or after July 24, 2013 will be eligible for the Rhode Island RES provided that the trading period for such RECs has not yet closed. All other provisions of Order No. 21076 remain in full force and effect.

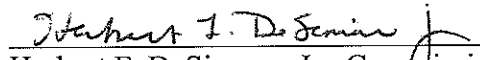
EFFECTIVE AT WARWICK, RHODE ISLAND PURSUANT TO AN OPEN MEETING DECISION ON SEPTEMBER 30, 2013. WRITTEN ORDER ISSUED OCTOBER 3, 2013.

PUBLIC UTILITIES COMMISSION




Margaret E. Curran, Chairperson


Paul J. Roberti, Commissioner


Herbert F. DeSimone, Jr., 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.