

**Steels Pond Hydro, Inc.**  
**c/o William P. Short III**  
**44 West 62<sup>nd</sup> Street**  
**P.O. Box 237173**  
**New York, New York 10023-7173**  
**(917) 206-0001; (201) 970-3707**  
**[w.shortiii@verizon.net](mailto:w.shortiii@verizon.net)**

March 23, 2015

Rhode Island Public Utilities Commission  
Attn: Renewable Energy Resources Eligibility  
89 Jefferson Boulevard  
Warwick, Rhode Island 02888

Re: Application of Steels Pond Hydro, Inc. Project for Certification as a Rhode Island  
New Renewable Energy Resource

Dear Sir:

Attached please find an application for certification by the Rhode Island Public Utilities Commission (the "Commission") of the Steels Pond Hydro Project (the "Project" or the "Facility") of Steels Pond Hydro, Inc. ("Steels Pond Hydro" or the "Applicant") as a Rhode Island New Renewable Energy Resource (the "Application").

For purposes of responding to inquiries regarding the Application, persons should contact the following:

**Primary Contact**

William P. Short III<sup>1</sup>  
Consultant  
44 West 62nd Street  
P.O. Box 237173  
New York, New York 10023-7173  
(917) 206-0001 (Office)  
(201) 970-3707 (Cell)  
[w.shortiii@verizon.net](mailto:w.shortiii@verizon.net)

**Secondary Contact**

Lori D. Barg  
President  
Steels Pond Hydro, Inc.  
581 Quaker Hill Road  
Henniker, New Hampshire 03242  
(802) 454-8458 (Cell)  
[lori@communityhydro.biz](mailto:lori@communityhydro.biz)

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<sup>1</sup> With this Application, Steels Pond Hydro appoints William P. Short III as its authorized representative.

The Steels Pond Hydro Project (FERC No. P-3265-002) is a 0.903<sup>2</sup> MW exempt from licensing, run-of-river hydro-electric project. A FERC exemption from licensing was issued October 18, 1983. The Project is currently in compliance with all of its requirements for its exemption from licensing.

Steels Pond Hydro, Inc. is a New Hampshire corporation with its principal place of business at 581 Quaker Hill Road, Henniker, New Hampshire 03242.

In early January 2015, Steels Pond Hydro Project commenced operations after thirty months of being disconnected from the grid.<sup>3</sup> A new interconnection study with Public Service Company of New Hampshire (“PSNH”) and full plant commissioning was required prior to start-up. Daily generation records from PSNH for the month of January 2015 are enclosed. Additional daily generation records for subsequent months are available for review provided an appropriate protective order is issued by the Commission.

The Steels Pond dam was built originally in the late eighteenth or early nineteenth century. In 1983, the powerhouse was installed at the site.<sup>4</sup> The Project operated until June 2012 when PSNH disconnected the Facility from the grid. In 2013, the new owners of Steels Pond Hydro, Inc. purchased the stock of the corporate entity that owned the Project. Immediately thereafter, the new owners began work to remove the non-functional pieces of old equipment and installed new equipment, including new turbine-generators, controls<sup>5</sup> and switchgear as well as rebuild the Project’s powerhouse and headgate.

The Project is located on Steels Pond along the North Branch of the Contoocook River at 367 Elm Avenue in the Town of Antrim in Hillsborough County, New Hampshire. The Project uses an existing 173-foot-long, 20-foot-high concrete gravity Steels Pond Dam that impounds a reservoir with negligible storage capacity. The Project includes a rebuilt headgate structure, a 74-inch-diameter and ~1,700-foot-long steel penstock. The restored powerhouse presently contains three new turbine generating units with a total installed capacity of 300 KW. This includes two new 120 KW propeller turbines, with 1,200 rpm, 460 Volt vertical induction generators and one new 60 KW pump operating as a turbine with a 1,800 rpm 460 Volt vertical induction generator.<sup>6</sup> It is anticipated that two additional new units, each a 300 KW fixed pitch propeller turbine with 720 rpm, 460 Volt vertical induction generator, will be installed by the end of 2015, finances permitting. Water used for generation is discharged from the powerhouse into Franklin Pierce Lake. The dam, headgate structure and powerhouse building have been modified

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<sup>2</sup> While the FERC Exemption From License mentions a nameplate rating of 903 KW, nowhere in the record does it appear that the Facility ever generated at that level. What appears in the record is that the Facility previously generated a maximum output of approximately 720 KW. It is presently the intention of the Applicant to install 900 KW of generation at the site.

<sup>3</sup> The Project was disconnected by PSNH because the switchgear and protective relays did not meet utility requirements

<sup>4</sup> The records show that the dam ceased hydro-electric generation sometime in June 2012 after a long period of declining power production.

<sup>5</sup> All pre-2014 major electrical equipment has been replaced.

<sup>6</sup> The two new 120 KW turbine-generator sets use used vertical induction motors that now operate as generators. To the best knowledge of the Applicant, these induction motors have not previously been used at any site for the generation of electricity. The 60 KW pump operating as a turbine is a totally new piece of equipment. All of the old turbine-generator sets have been removed.

as requested by the FERC and the New Hampshire Division of Dam Safety to bring the Project into compliance with current regulations.

Steels Pond Hydro has already self-certified the entire production of the Facility as a Maine Class II renewable resource. Steels Pond Hydro intends to qualify in the future some or all of the production from the Facility as being from a Connecticut Class I source, a Maine Class I renewable resource or as either a New Hampshire Class I or Class IV resource.

The Facility's electrical output is read by PSNH. This information is conveyed to ISO New England, Inc. ("ISO-NE"), which in turn conveys it directly to APX, Inc. ("APX"), the operator of the NEPOOL Generation Information System ("GIS"). The Facility's Asset ID and MSS account number is 909. The Applicant has authorized APX to disclose to the Commission the Facility's monthly generation production.

Upon your review of our application, if you have any questions on comments, please do not hesitate to contact either Lori D. Barg or myself.

Sincerely yours,



attachments

cc: Lori D. Barg (e-mail only)

## LIST OF ATTACHMENTS

Application for Certification of the Steels Pond Hydro Project, dated February 27, 2015

Steels Pond Hydro Project FERC Order Granting Exemption from Licensing, issued October 18, 1983

**Daily Generation Records for the Project for January 5 through February 11, 2015<sup>7</sup>**

**Steels Pond Hydro Project Progress Report**

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<sup>7</sup> Items marked in **Red and Bold** are considered confidential by the Applicant. Upon request from the Commission and the granting of confidential treatment, the Applicant will provide the Commission with a copy of this information.

**RIPUC Use Only**

Date Application Received: \_\_\_/\_\_\_/\_\_\_

Date Review Completed: \_\_\_/\_\_\_/\_\_\_

Date Commission Action: \_\_\_/\_\_\_/\_\_\_

Date Commission Approved: \_\_\_/\_\_\_/\_\_\_

GIS Certification #:

**MSS #909****RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM****The Standard Application Form**

**Required of all Applicants for Certification of Eligibility of Renewable Energy Resource  
(Version 7 – June 11, 2010)**

**STATE OF RHODEISLAND 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, RI02888

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 [lmassaro@puc.state.ri.us](mailto:lmassaro@puc.state.ri.us)

**SECTION I: Identification Information**

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

[Steels Pond Hydro Project](#)

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:

[William P. Short III, Consultant](#)

1.5 Primary Contact Person address and contact information:  
Address:

[P.O. Box 237173](#)  
[New York, New York 10023-7173](#)

Phone: [\(917\) 206-0001](#)

Fax: [\(917\) 206-0001](#)

Email: [w.shortiii@verizon.net](mailto:w.shortiii@verizon.net)

1.6 Backup Contact Person name and title:

[Lori Barg, President](#)

1.7 Backup Contact Person address and contact information:

Address: [Steels Pond Hydro, Inc.](#)  
[581 Quaker Hill Road](#)  
[Henniker, New Hampshire 03242](#)

Phone: [\(802\) 454-8458](#)

Fax: [none](#)

Email: [lori@communityhydro.biz](mailto:lori@communityhydro.biz)

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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):

William P. Short III, Consultant

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

- 1.9 Authorized Representative address and contact information:  
Address:

P.O. Box 237173  
New York, New York 10023-7173

Phone: (917) 206-0001

Fax: (917) 206-0001

Email: w.shortiii@verizon.net

- 1.10 Owner name and title:

Lori Barg, President

- 1.11 Owner address and contact information:

Address: Steels Pond Hydro, Inc.  
581 Quaker Hill Road  
Henniker, New Hampshire 03242

Phone: (802) 454-8458

Fax: none

Email: lori@communityhydro.biz

- 1.12 Owner business organization type (check one):

☐ Individual

☐ Partnership

☒ Corporation

☐ Other: \_\_\_\_\_

- 1.13 Operator name and title: Lori Barg, President

Operator address and contact information:

Address: Steels Pond Hydro, Inc.  
581 Quaker Hill Road  
Henniker, New Hampshire 03242

Phone: (802) 454-8458

Fax: none

Email: lori@communityhydro.biz

- 1.15 Operator business organization type (check one):

☐ Individual

☐ Partnership

☒ Corporation

☐ Other: \_\_\_\_\_

## 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): MSS #909
- 2.2 Generation Unit Nameplate Capacity: 0.300 MW (0.900 MW by year-end 2015)
- 2.3 Maximum Demonstrated Capacity: 0.260 MW (0.900 MW by year-end 2015)
- 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 3.32*
- ☒ 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 3.32*
- ☒ 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 2.4 above, please respond to the following:
- A. Please specify the fuel or fuels used or to be used in the Unit: \_\_\_\_\_
- 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

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

- 3.1 Date Generation Unit first entered Commercial Operation: 01 / 05 / 2015 at the site.

If the commercial operation date is after December 31, 1997, please provide independent verification, such as the utility log or metering data, showing that the meter first spun after December 31, 1997. This is needed in order to verify that the facility qualifies as a New Renewable Energy Resource.

Documentation attached? ☒ Yes ☐ No ☐ N/A

- 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):

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### 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):

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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: The Steels Pond Hydro Project is located at 367 Elm Avenue in the Town of Antrim in Hillsborough County, New Hampshire. The power-house is located on the shores of Franklin Piece Lake. The Project dam is located at the outlet of Steels Pond.

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

A. Universal Transverse Mercator Coordinates: \_\_\_\_\_

B. Longitude/Latitude: 71° 58' 04.08"W / 43° 04' 49.97"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 ☒ N/A

Corporate Certification provided? ☒ Yes ☐ No ☐ 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 ☒ N/A

### 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? ☐ Yes ☐ No ☒ N/A

## 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:

William P. Short III

DATE:

3/23/15



Consultant  
(Title)

## SECRETARY'S CERTIFICATE

The undersigned Secretary of STEELS POND HYDRO INC., a New Hampshire corporation (the "*Corporation*") hereby certifies as follows:

(a) I am the duly elected Secretary of the Corporation authorized to execute and deliver this Certificate on its behalf,


(b) The following persons are duly elected, qualified and acting officers of the Corporation, serving in the offices set forth opposite their names and the respective signatures are true and genuine:

<u>NAME</u>	<u>OFFICE</u>	<u>SIGNATURE</u>
Lori Barg	President	
Brice Simon	Secretary	

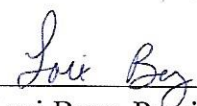
Lori Barg, as President of the Corporation, is authorized for and on behalf of the Corporation to execute and deliver all agreements, contracts, commitment, promissory notes and other instruments which she deems to be in the best interests of the Corporation and such authority has not been limited in any way by vote of the Board of Directors of the Corporation, or its Articles of Organization or By-Laws.

(c) Lori Barg has named William P. Short, III as its Authorized Representative and has authorized him to execute the Renewable Energy Resources Eligibility Form for the 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.

Witness my hand and seal this 12th day of February, 2015.

  
\_\_\_\_\_  
Brice Simon, Secretary

I, Lori Barg, President of the Corporation, hereby certify that Brice Simon is the duly elected Secretary of the Corporation and that the signature set forth above is his true and genuine signature.

  
\_\_\_\_\_  
Lori Barg, President

**APPENDIX C**  
**(Revised 6/11/10)**  
**(Required of all Applicants with Generation Units at the Site of Existing  
Renewable Energy Resources)**

**STATE OF RHODEISLAND**  
**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 3.29 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.
- C.8 Is the Generation Unit an Existing Renewable Energy Resource other than an Intermittent Resource (as defined in Sections 3.10 and 3.15 of the RES Regulations)? ☐ Yes ☒ No
- C.9 If you checked “Yes” to question C.8 above, please attach evidence of completed capital investments after December 31, 1997 attributable to efficiency improvements or additions of capacity that are sufficient to, were intended to, and can be demonstrated to increase annual electricity output in excess of ten percent (10%). As specified in Section 3.23.v of the RES Regulations, the determination of incremental production shall not be based on any operational changes at such facility **not directly** associated with the efficiency improvements or additions of capacity.

Please provide the single proposed percentage of production to be deemed incremental, attributable to the efficiency improvements or additions of capacity placed in service after December 31, 1997. Please make this calculation by comparing actual electrical output over the three calendar years 1995-1997 (the “Historical Generation Baseline”) with the actual output following the improvements. The incremental production above the Historical Generation Baseline will be considered “New” generation for the purposes of RES. Please give the percentage of the facility’s total output that qualifies as such to be considered “New” generation.

- C.10 Is the Generating Unit an Existing Renewable Energy Resource that is an Intermittent Resource? ☐ Yes ☒ No
- C.11 If you checked “Yes” to question C.10 above, please attach evidence of completed capital investments after December 31, 1997 attributable to efficiency improvements or additions of capacity that are sufficient to, were intended to, and have demonstrated on a normalized basis to increase annual electricity output in excess of ten percent (10%). The determination of incremental production shall not be based on any operational changes at such facility **not directly** associated with the efficiency improvements or additions of capacity. In no event shall any production that would have existed during the Historical Generation Baseline period in the absence of the efficiency improvements or additions to capacity be considered incremental production. Please refer to Section 3.23.vi of the RES Regulations for further guidance.
- C.12 If you checked “Yes” to C.10, provide the single proposed percentage of production to be deemed incremental, attributable to the efficiency improvements or additions of capacity placed in service after December 31, 1997. The incremental production above the Historical Generation Baseline will be considered “New” generation for the purposes of RES. Please make this calculation by comparing actual monthly electrical output over the three calendar years 1995-1997 (the “Historical Generation Baseline”) with the actual output following the improvements on a normalized basis. Please provide back-up

information sufficient for the Commission to make a determination of this incremental production percentage.

For example, for small hydro facilities, please use historical river flow data to create a monthly normalized comparison (e.g. average MWh produced per cubic foot/second of river flow for each month) between actual output values post-improvements with the Historical Generation Baseline. For solar and wind facilities, please use historical solar irradiation, wind flow, or other applicable data to normalize the facility's current production against the Historical Generation Baseline.

C.13 If you checked "no" to both C.3 and C.4 above, please complete the following:

- a. Was the Existing Renewable Energy Resource located at the exact site at any time during calendar years 1995 through 1997? ☐ Yes ☐ No
- b. If you checked "yes" in Subsection (a) above, please provide the Generation Unit Asset Identification Number and the average annual electrical production (MWhs) for the three calendar years 1995 through 1997, or for the first 36 months after the Commercial Operation Date if that date is after December 31, 1994, for each such Generation Unit.
- c. Please attach a copy of the derivation of the average provided in (b) above, along with documentation support (such as ISO reports) for the information provided in Subsection (b) above. Data must be consistent with quantities used for ISO Market Settlement System.



THIS DOCUMENT CONTAINS  
POOR QUALITY PAGES

25 FERC 162, 055

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

New Hampshire Water Resources Board ) Project No. 3265-002  
and Steels Pond Hydro, Inc.

ORDER GRANTING EXEMPTION FROM LICENSING OF A  
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS

( Issued October 18, 1983 )

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

- 1/ New Hampshire Water Resources Board and Steels Pond Hydro, Inc., Project No. 3265, filed on July 5, 1983.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1982). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, 47 Fed. Reg. 19047 (1982). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

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Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

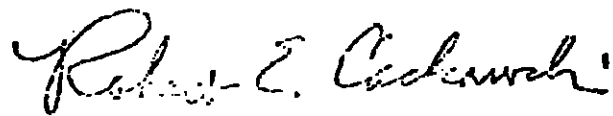
It is ordered that:

(A) The Steels Pond Project No. 3265 as described and designated in The New Hampshire Water Resources Board and Steels Pond Hydro, Inc.'s application filed on July 5, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106, of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Article.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12;

- (i) Section 12.4(b)(1)(i)(ii)(2)(i), (iii)(A)(B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v), Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

A handwritten signature in dark ink, appearing to read "Robert E. Cackowski". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Cackowski".

Robert E. Cackowski  
Deputy Director, Office of  
Electric Power Regulation

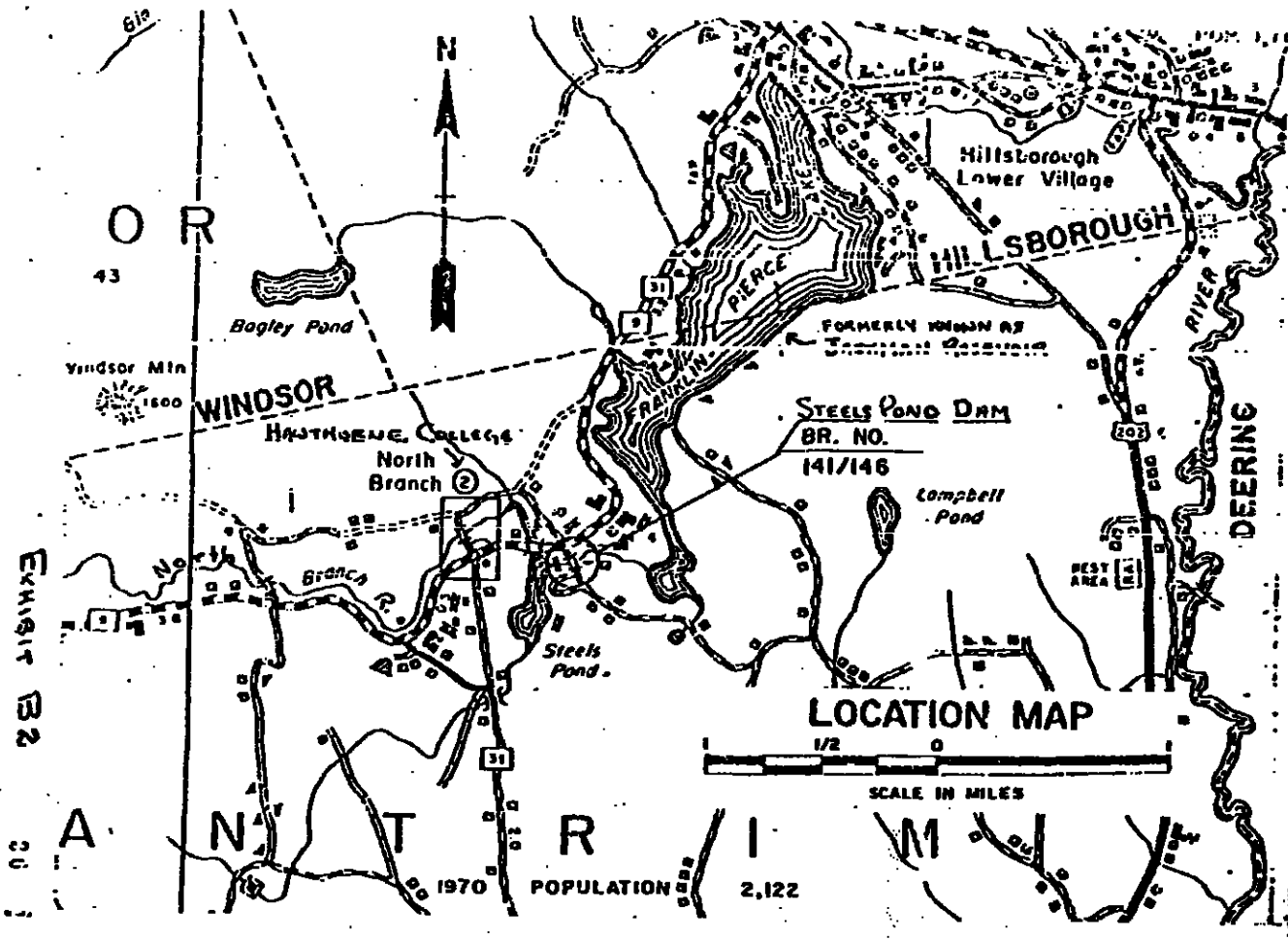
P-3265-002

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission  
(August 3, 1983)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- a. Type of Application: Exemption (under 5 MW)
- b. Project No: 3265-002
- c. Date Filed: July 5, 1983
- d. Applicant: The New Hampshire Water Resources Board and Steels Pond Hydro, Inc.
- e. Name of Project: Steels Pond Project
- f. Location: On the North Branch of the Contoncoot River in Hillsborough County, New Hampshire.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §391(a) - 825(r).
- h. Contact Person: Delbert F. Downing, Chairman, New Hampshire Water Resources Board, 37 Pleasant Street, Concord, New Hampshire 03301 and Moody C. Dole, Steels Pond Hydro, Inc., P.O. Box 8, Campton, New Hampshire 03213.
- i. Comment Date: SEP 16 1983
- j. Description of Project: The proposed project would consist of: (1) the 173-foot-long and 20-foot-high concrete gravity Steels Pond Dam impounding a reservoir with negligible storage capacity; (2) rehabilitation of existing headgates; (3) a new 66-inch-diameter and 1,350-foot-long steel penstock; (4) a new powerhouse with an installed capacity of 903 kW; (5) a new 1,100-foot-long transmission line; and (6) other appurtenances. Applicants estimate an average annual generation of 3,040,000 kWh.
- k. Purpose of Project: Project energy would be sold to the Public Service Company of New Hampshire.
- l. This notice also consists of the following standard paragraphs: A1, A9, 9, C and D3a.
- m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.



D3a. Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb  
Secretary

**§ 4.106 Standard terms and conditions of exemption from licensing.**

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.