

October 24, 2016

Rhode Island Public Utilities Commission  
Attn: Luly E. Massaro, Commission Clerk  
89 Jefferson Blvd  
Warwick, RI 02888

RE: Request for Rhode Island Renewable Energy Credit Eligibility – Flat Rock Windpower LLC

Dear Ms. Massaro:

EDP Renewables North America LLC ("EDPR NA") seeks to certify renewable energy credits derived from Flat Rock Wind Power I, LLC for eligibility as Rhode Island renewable energy resources. Please find attached the following:

- Renewable Energy Resources Eligibility Form w/ Appendix E;
- Attachment 1: Renewable portfolio standard approval for Flat Rock Windpower LLC for Connecticut, Maine, and Massachusetts (Question 2.8);
- Attachment 2: Check meter data (Question 3.1); and
- Attachment 3: Corporate certification (Question 6.1.b).

Thank you for your review of this application, and we look forward to addressing any questions you may have during your review process.

Sincerely,

A handwritten signature in black ink, appearing to be 'Rotem Zucker', written over a white background.

Rotem Zucker  
Head of Asset Management, EDP Renewables North America  
Rotem.Zucker@edpr.com

<b>RIPUC Use Only</b>	
Date Application Received:	___/___/___
Date Review Completed:	___/___/___
Date Commission Action:	___/___/___
Date Commission Approved:	___/___/___

GIS Certification #: _____
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**RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM**

**The Standard Application Form  
Required of all Applicants for Certification of Eligibility of Renewable Energy Resource  
(Version 8 – December 5, 2012)**

**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  
 Attn: Luly E. Massaro, Commission Clerk  
 89 Jefferson Blvd  
 Warwick, RI 02888

In addition to the paper copies, electronic/email submittals are required under Commission regulations. Such electronic submittals should be sent to [Res.filings@puc.ri.gov](mailto:Res.filings@puc.ri.gov).

- 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.filings@puc.ri.gov](mailto:Res.filings@puc.ri.gov).

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**SECTION I: Identification Information**

- 1.1 Name of Generation Unit (sufficient for full and unique identification):  
Flat Rock Windpower LLC
- 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: Jeremy High, Asset Manager
- 1.5 Primary Contact Person address and contact information:  
Address: 808 Travis Street, Suite 700, Houston, TX 77002  
Phone: 713-265-0338    Fax: 713-265-0365  
Email: Jeremy.High@edpr.com
- 1.6 Backup Contact Person name and title: Kate Goldsberry, Settlements Analyst
- 1.7 Backup Contact Person address and contact information:  
Address: 808 Travis Street, Suite 700, Houston, TX 77002  
Phone: 713-356-2521    Fax: 713-265-0365  
Email: Kate.Goldsberry@edpr.com
- 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):  
  
Rotem Zucker – Head of Asset Management
- Appendix A or B (as appropriate) completed and attached?    Yes    No    N/A

<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.

1.9 Authorized Representative address and contact information:  
Address: 808 Travis Street, Suite 700, Houston, TX 77002  
Phone: (713) 265-0350 Fax: 713-265-0365  
Email: Rotem.Zucker@edpr.com

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1.10 Owner name and title: Flat Rock Windpower LLC

1.11 Owner address and contact information:  
Address: Eagle Factory Road, Lowville, NY 13367  
Phone: 315-367-8812 Fax: 315-376-8825  
Email: Jeremy.High@edpr.com

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1.12 Owner business organization type (check one):  
 Individual  
 Partnership  
 Corporation  
 Other: \_\_\_\_\_

1.13 Operator name and title: Flat Rock Windpower LLC

1.14 Operator address and contact information:  
Address: 808 Travis Street, Suite 700, Houston, TX 77002  
Phone: 713-265-0338 Fax: 713-265-0365  
Email: Jeremy.High@edpr.com

1.15 Operator business organization type (check one):  
 Individual  
 Partnership  
 Corporation  
 Other: \_\_\_\_\_

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**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): ISO-NE # NY323574; NEPOOL: IMP32665
- 2.2 Generation Unit Nameplate Capacity: 231 MW
- 2.3 Maximum Demonstrated Capacity: 231 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 3.32*
- ← 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: 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?

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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: 01/01/2006 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):

N/A

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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):
- 

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: 6972 Eagle Factory Road, Lowville, NY 13367

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

A. Universal Transverse Mercator Coordinates:  
Northern Hem., Zone 18, X (east): 453828 Y (north): 4845173

B. Longitude/Latitude: -75.5735744785714 /43.7581551071428

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

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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:



Rotem Zucker, Head of Asset Management

DATE:



**APPENDIX E**  
**(Revised 6/11/10)**

**(Required of all Applicants Located in a Control Area Adjacent to NEPOOL)**

**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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Please complete the following and attach documentation, as necessary to support all responses:

E.1 Please indicate in which Control Area adjacent to NEPOOL the Generation Unit is located:

- New York  
 Hydro Quebec  
 Maritimes (including Northern Maine Independent System Administrator)

E.2 Applicant must provide to the Commission by July 1<sup>st</sup> of each year assurances that the Generation Unit's New Renewable Energy Resources used for compliance with the Rhode Island's Renewable Energy Act during the previous Compliance Year have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Rhode Island. Such assurances may consist of a report from a neighboring Generation Attribute accounting system or an affidavit from the Generation Unit.

- ← please check this box to acknowledge this requirement  
 N/A or other (please explain) \_\_\_\_\_

E.3 Applicant must acknowledge and provide evidence to support that, in accordance with Section 5.1.(ii) of the RES Regulations, the Generation Attributes associated with the Generation Unit shall be applied to the Rhode Island Renewable Energy Standard only to the extent of the energy produced by the Generation Unit that is or will be actually delivered into NEPOOL for consumption by New England customers. Verification of the delivery of such energy from the Generation Unit into NEPOOL will be performed in accordance with subparagraphs (a), (b) and (c) of RES Regulations Section 5.1.(ii)

- ← please check this box to acknowledge this requirement.

(a) Under subparagraph 5.1.(ii)(a), Applicant must verify that the energy produced by the Generation Unit is actually delivered into NEPOOL via "a unit-specific bilateral contract for the sale and delivery of such energy into NEPOOL".

✓ ← please check this box to acknowledge the requirement for Applicant to provide ongoing evidence of one or more unit-specific bilateral contract(s) for all energy delivery into NEPOOL for which Applicant seeks RI RES certification, prior to creation of certificates in each quarter, and:

- i. Please describe the type of evidence to be provided to the GIS Administrator to demonstrate the existence of such unit-specific bilateral contract(s) for the sale and delivery of such energy into NEPOOL, including duration, quantity and counter-party in NEPOOL:

There is a contract between Marble River, LLC and Exelon Generation Company, LLC (formerly Constellation) for physical energy purchased at the New York Sandy Pond Interface and delivered to the New England Interface – Roseton; Marble River, LLC has an agreement to schedule on behalf of Flat Rock Windpower LLC.

(attach more detail if the space provided is not sufficient)

N/A or other (please explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# **Attachment 1**

Renewable Portfolio Standard approval for Flat Rock  
Windpower LLC for Connecticut, Maine, and Massachusetts  
Question 2.8

# RPS Class I Renewable Generation Units

Updated August 25 ,2016

Technology/Resource	Qualified (MW)	Operational Units Under Review (MW)
Anaerobic Digester	48.296	0.000
Biomass	205.455	0.000
Hydroelectric	62.851	0.176
Hydrokinetic	0.085	0.000
Landfill Gas	258.189	0.000
Solar Photovoltaic	164.830	0.000
Tidal	0.900	0.000
Wind	3,862.705	0.000

Type	MA RPS Number	NEPOOL GIS Asset ID	Plant - Unit	City/Town	State/Province	Fuel / Resource / Technology	Nameplate Capacity MW ‡	Energy Output Qualification if not 100%*	Name of Aggregator (if applicable)	Independent Verifier	RPS Effective Date §	SQ Date
WD	1499-16	IMP32620	Maple Ridge   Wind Farm	Lowville	NY	Wind	231			N/A	1/1/2016	7/7/2016
WD	1490-16	Pending	Hancock Wind	Eastbrook	ME	Wind	\$1			N/A	Not Operational	7/7/2016
AD	1491-16	NON75597	S&S Freetown AD	Freetown	MA	Anaerobic Digester	1.1			Clean Energy Associates	2/16/2016	7/7/2016
SL	1492-16	NON36388	GMPSolar Williston	Williston	VT	Photovoltaic	6.763			VELCO	Not Operational	8/5/2016
SL	1493-16	NON36368	GMPSolar Richmond	Richmond	VT	Photovoltaic	2.897			VELCO	Not Operational	8/5/2016
SL	1494-16	NON36368	GMPSolar Hartford	Hartford	VT	Photovoltaic	7.031			VELCO	Not Operational	8/5/2016
SL	1495-16	NON36368	GMPSolar Pantton	Pantton	VT	Photovoltaic	6.267			VELCO	Not Operational	8/5/2016
SL	1497-16	NON86013	CT - 0671200	Norfield	CT	Photovoltaic	0.01404		SolarCity Corporation	Locus Energy	6/30/2016	8/25/2016
SL	1497-16	NON86022	CT - 0611179	East Hartford	CT	Photovoltaic	0.01222		SolarCity Corporation	Locus Energy	6/30/2016	8/25/2016
SL	1497-16	NON86101	CT - 0643515	Middletown	CT	Photovoltaic	0.00734		SolarCity Corporation	Locus Energy	7/1/2016	8/25/2016
SL	1497-16	NON86103	CT - 0603872	New Britain	CT	Photovoltaic	0.00468		SolarCity Corporation	Locus Energy	7/1/2016	8/25/2016
SL	1497-16	NON86170	CT - 0642240	Beacon Falls	CT	Photovoltaic	0.0156		SolarCity Corporation	Locus Energy	7/15/2016	8/25/2016
SL	1497-16	NON86184	CT - 0603443	New Britain	CT	Photovoltaic	0.00208		SolarCity Corporation	Locus Energy	7/15/2016	8/25/2016
SL	1497-16	NON86188	CT - 0603698	East Windsor	CT	Photovoltaic	0.0051		SolarCity Corporation	Locus Energy	7/15/2016	8/25/2016
SL	1497-16	NON86203	CT - 0641936	Southington	CT	Photovoltaic	0.00728		SolarCity Corporation	Locus Energy	7/15/2016	8/25/2016
SL	1497-16	NON86260	CT - 0671557	Naugatuck	CT	Photovoltaic	0.01092		SolarCity Corporation	Locus Energy	7/17/2016	8/25/2016
SL	1497-16	NON86261	CT - 0653889	Bethany	CT	Photovoltaic	0.00624		SolarCity Corporation	Locus Energy	7/18/2016	8/25/2016
SL	1497-16	NON86262	CT - 0671712	Naugatuck	CT	Photovoltaic	0.00702		SolarCity Corporation	Locus Energy	7/18/2016	8/25/2016
SL	1497-16	NON86263	CT - 0618886	East Hartford	CT	Photovoltaic	0.0065		SolarCity Corporation	Locus Energy	7/18/2016	8/25/2016
SL	1497-16	NON87687	CT - 0643901	Southington	CT	Photovoltaic	0.00625		SolarCity Corporation	Locus Energy	7/18/2016	8/25/2016
SL	1497-16	NON87724	CT - 0651005	Hamden	CT	Photovoltaic	0.00364		SolarCity Corporation	Locus Energy	7/11/2016	8/25/2016
SL	1497-16	NON87741	CT - 068750	Danbury	CT	Photovoltaic	0.00702		SolarCity Corporation	Locus Energy	7/11/2016	8/25/2016
SL	1497-16	NON87788	CT - 0632946	Canterbury	CT	Photovoltaic	0.00962		SolarCity Corporation	Locus Energy	6/8/2016	8/25/2016
SL	1497-16	NON87792	CT - 062779	Amston	CT	Photovoltaic	0.00884		SolarCity Corporation	Locus Energy	7/12/2016	8/25/2016
SL	1497-16	NON87801	CT - 0671141	Waterbury	CT	Photovoltaic	0.00572		SolarCity Corporation	Locus Energy	7/13/2016	8/25/2016
SL	1497-16	NON87805	CT - 0642533	Middletown	CT	Photovoltaic	0.0039		SolarCity Corporation	Locus Energy	7/13/2016	8/25/2016
SL	1497-16	NON87806	CT - 0642986	Middletown	CT	Photovoltaic	0.00572		SolarCity Corporation	Locus Energy	7/13/2016	8/25/2016
SL	1497-16	NON87807	CT - 0643309	Middletown	CT	Photovoltaic	0.00425		SolarCity Corporation	Locus Energy	7/13/2016	8/25/2016
SL	1497-16	NON87809	CT - 0671710	New Milford	CT	Photovoltaic	0.00728		SolarCity Corporation	Locus Energy	7/14/2016	8/25/2016
SL	1497-16	NON88053	CT - 0632705	Waterford	CT	Photovoltaic	0.00459		SolarCity Corporation	Locus Energy	7/18/2016	8/25/2016

\* In the Energy Output Qualification Column: If "After XXX MWh" is indicated, then XXX is the Historical Generation Rate of a pre-1998 Generation Unit qualified with a Vintage Waiver, pursuant to the provisions of 225 CMR 14.05(2) that output from these plants will qualify as RPS Class 1 Renewable Generation -- and thereby generate RPS-qualified GIS certificates -- only when and if they meet the provisions at 225 CMR 14.05(5) that pertain to any Generation Unit that § Capacities listed as zero are behind the meter.

§ The earliest date on which generation can result in earning RECs at NEPOOL GIS. This is usually, but not necessarily, the Commercial Operation Date, which is the date the unit was interconnected with the electric grid.

September 20, 2016

EDP Renewables North America, LLC  
Request for Approval for Certification for RPS  
Eligibility for Flat Rock Windpower I, LLC  
Pertaining to EDP Renewables North  
America LLC

ORDER GRANTING NEW  
RENEWABLE RESOURCE  
CERTIFICATION

VANNOY, Chairman; MCLEAN and WILLIAMSON, Commissioners

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## I. SUMMARY

On July 26, 2016, Flat Rock Windpower LLC filed a petition to certify the Maple Ridge wind farm project (Facility) as a Class I renewable resource that is eligible to satisfy Maine's new renewable resource portfolio requirement pursuant to Chapter 311, § 3(B) of the Commission rules. The Facility is located in Lowville, New York. For the reasons set forth below, the petition is granted.

## II. BACKGROUND

### A. New Renewable Resource Portfolio Requirement

During its 2007 session, the Legislature enacted an Act To Stimulate Demand for Renewable Energy (Act). P.L. 2007, ch. 403 (codified at 35-A M.R.S.A. section 3210(3-A)). The Act added a mandate that specified percentages of electricity that supply Maine's consumers come from "new" renewable resources.<sup>1</sup> Generally, new renewable resources are renewable facilities that have an in-service date, resumed operation or were refurbished after September 1, 2005. The percentage requirement starts at one percent in 2008 and increases in annual one percent increments to ten percent in 2017, unless the Commission suspends the requirement pursuant to the provisions of the Act.

As required by the Act, the Commission modified its portfolio requirement rule (Chapter 311) to implement the "new" renewable resource requirement. *Order*

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<sup>1</sup> Maine's electric restructuring law, which became effective in March 2000, contained a portfolio requirement that mandated that at least 30% of the electricity to supply retail customers in the State come from eligible resources, which are either renewable or efficient resources. 35-A M.R.S.A. § 3210(3). The Act did not modify this 30% requirement.

*Adopting Rule and Statement of Factual and Policy Basis*, Docket No. 2007-391 (Oct. 22, 2007). The implementing rules designated the “new” renewable resource requirement as “Class I”<sup>2</sup> and incorporated the resource type, capacity limit, and the vintage requirements as specified in the Act. The rules thus state that a new renewable resource used to satisfy the Class I portfolio requirement must be of the following types:

- fuel cells;
- tidal power;
- solar arrays and installations;
- wind power installations;
- geothermal installations;
- hydroelectric generators that meet all state and federal fish passage requirement; or
- biomass generators, including generators fueled by landfill gas.

In addition, except for wind power installations, the generating resource must not have a nameplate capacity that exceeds 100 MW. Finally, the resource must satisfy one of four vintage requirements. These are:

- 1) renewable capacity with an in-service date after September 1, 2005;
- 2) renewable capacity that has been added to an existing facility after September 1, 2005;
- 3) renewable capacity that has not operated for two years or was not recognized as a capacity resource by the ISO-NE or the NMISA and has resumed operation or has been recognized by the ISO-NE or NMISA after September 1, 2005; or
- 4) renewable capacity that has been refurbished after September 1, 2005 and is operating beyond its useful life or employing an alternate technology that significantly increases the efficiency of the generation process.

Chapter 311, section 3(B)(4) of the Commission’s rules establishes a certification process that requires generators to pre-certify facilities as a new renewable resource under the requirements of the rule and provides for a Commission determination of resource eligibility on a case-by-case basis.<sup>3</sup> The rule contains the

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<sup>2</sup> The “new” renewable resource requirement was designated as Class I because the requirement is similar to portfolio requirements in other New England states that are referred to as “Class I.” Maine’s pre-existing “eligible” resource portfolio requirement is designated as Class II.

<sup>3</sup> In the *Order Adopting Rule* at 6, the Commission noted that a request for certification can be made at any time so that a ruling can be obtained before a capital investment is made in a generation facility.

information that must be included in a petition for certification and specifies that the Commission shall provide an opportunity for public comment if a petitioner seeks certification under vintage categories 2, 3, or 4. Finally, the rule specifies that the Commission may revoke a certification if there is a material change in circumstance that renders the generation facility ineligible as a new renewable resource.

B. Petition for Certification

In its July 6, 2016 petition, Flat Rock Windpower LLC requested that the Facility be certified as a Class I new renewable resource as a renewable project with an in-service date after September 1, 2005. According to the petition, the 231 MW Facility is fueled entirely by wind and has an initial commercial operations date of January 1, 2006. Further, the Facility is currently certified as RPS eligible in Connecticut.

III. **DECISION**

The Commission has delegated to the Director of the Electric and Gas Division the authority to certify generation facilities as Class I new renewable resources pursuant to Chapter 311, § 3(B) of the Commission rules. Delegation Order, Docket No. 2008-184 (April 23, 2008). Based on the information provided by Flat Rock Windpower LLC, I conclude that the 231 MW Facility satisfies the resource type and vintage requirements of the rule. The Facility is fueled solely by wind and commenced commercial operations after September 1, 2005.

Accordingly, the Maple Ridge wind farm is hereby certified as a Class I new renewable resource that is eligible to satisfy Maine's new renewable resource portfolio requirement pursuant to Chapter 311, § 3(B)(3)(a) of the Commission rules. Flat Rock Windpower LLC or the Facility's successive owner or operator, shall provide timely notice to the Commission of any material change in the characteristics or operation of the Facility from that described in the petition filed in this proceeding.

Dated at Hallowell, Maine, this 20<sup>th</sup> day of September, 2016.

BY ORDER OF THE DIRECTOR OF THE ELECTRIC AND GAS  
UTILITY INDUSTRIES

  
Faith Huntington



## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within 20 days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 21 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.

Attachment 15  
**STATE OF CONNECTICUT**

**PUBLIC UTILITIES REGULATORY AUTHORITY  
TEN FRANKLIN SQUARE  
NEW BRITAIN, CT 06051**

**DOCKET NO. 16-02-29 APPLICATION OF FLAT ROCK WINDPOWER, LLC FOR  
QUALIFICATION OF MAPLE RIDGE AS A CLASS I  
RENEWABLE ENERGY SOURCE**

May 11, 2016

**DECISION APPROVING CLASS I CERTIFICATION**

On April 12, 2016, the Public Utilities Regulatory Authority (Authority or PURA) received a revised application from Flat Rock Windpower, LLC (Company) requesting that the Authority determine that the Maple Ridge wind facility (Facility) located at 6972 Eagle Factory Road in Lowville, New York qualifies as a Class I renewable energy source.

The Facility generates electricity using wind power. The Facility began commercial operation on June 30, 2006, and has a nameplate capacity of 231.05 MW. The Facility's Independent System Operator of New England's (ISO-NE) Generation Unit Asset Identification Number is NY323574. The Facility is a grid-connected generation facility located in New York, which is considered an adjacent control area that can deliver its energy into the ISO-NE.

The Authority reviewed all of the information in the record and finds that pursuant to §16-1(a)(20) of the General Statutes of Connecticut, the Facility qualifies as a Class I renewable energy source, effective January 1, 2016. The Authority assigns the Facility Connecticut Renewable Portfolio Standard Registration No. CT160229.

The Authority's determination in this docket is based on the information submitted by the Company. The Authority may reverse its ruling or revoke the Company's registration if any material information provided proves to be false or misleading. The Company is reminded that it is obligated to notify the Authority within 10 days of any changes to any of the information it has provided to the PURA.

**ORDER FOR COMPANY**

To comply with the Order below, the Company shall submit one original of the required documentation to the Executive Secretary, Ten Franklin Square, New Britain, CT 06051, and file an electronic version through the Authority's website at [www.ct.gov/pura](http://www.ct.gov/pura). Submissions filed in compliance with the Authority's Orders must be identified by all three of the following: Docket Number, Title and Order Number.

1. Each Quarter, the Company shall file with the Authority, by the date indicated in the table below, the Quarterly Generation Report from the NEPOOL-GIS that shows the number of renewable energy credits (RECs) created by the NEPOOL-GIS Administrator based on the Class I activities of the Facility on the Creation Date [as defined in Section 2.1(b) of the NEPOOL GIS Operating Rules, as amended from time to time] for said quarter.

The first report is due August 15, 2016, with subsequent due dates as shown below:

Class I Activity Calendar Quarter	GIS REC Creation Date	Report Due Date
1. (Jan 01-Mar 31)	Jul 15	Aug 15
2. (Apr 01-Jun 30)	Oct 15	Nov 15
3. (Jul 01-Sep 30)	Jan 15	Feb 15
4. (Oct 01-Dec 31)	Apr 15	May 15

DOCKET NO. 16-02-29 APPLICATION OF FLAT ROCK WINDPOWER, LLC FOR  
QUALIFICATION OF MAPLE RIDGE AS A CLASS I  
RENEWABLE ENERGY SOURCE

This Decision is adopted by the following Commissioners:

Michael A. Caron

John W. Betkoski, III

Arthur H. House

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Public Utilities Regulatory Authority, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.



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Jeffrey R. Gaudiosi, Esq.  
Executive Secretary  
Public Utilities Regulatory Authority

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May 11, 2016  
Date

# **Attachment 2**

Check Meter Data

Question 3.1

Start day	Start hour	Gross MWHr
JUL/01/2011	1	116.2289963
JUL/01/2011	2	94.01000214
JUL/01/2011	3	109.7910004
JUL/01/2011	4	136.7140045
JUL/01/2011	5	120.2809982
JUL/01/2011	6	80.02700043
JUL/01/2011	7	45.82099915
JUL/01/2011	8	36.72299957
JUL/01/2011	9	39.58599854
JUL/01/2011	10	49.80500031
JUL/01/2011	11	53.69200134
JUL/01/2011	12	74.45200348
JUL/01/2011	13	90.22499847
JUL/01/2011	14	111.2799988
JUL/01/2011	15	104.5510025
JUL/01/2011	16	94.23899841
JUL/01/2011	17	94.97899628
JUL/01/2011	18	106.060997
JUL/01/2011	19	75.45899963
JUL/01/2011	20	37.33200073
JUL/01/2011	21	56.20100021
JUL/01/2011	22	71.5039978
JUL/01/2011	23	70.86499786
JUL/01/2011	24	74.04599762

# **Attachment 3**

Corporate Certification

Question 6.1.b

**SECRETARY'S CERTIFICATE**

The undersigned hereby certifies that she is the duly elected, qualified, and acting Secretary of Flat Rock Windpower LLC (the "Company"), a limited liability company organized under the laws of Delaware; and

Pursuant to Section 6.1 of the Renewable Energy Resources Edibility Form being submitted concurrently herewith by the Company to the State of Rhode Island Public Utilities Commission (the "Application"), the undersigned further certifies that Rotem Zucker is an Authorized Representative of the Company and is authorized to execute and deliver the Application on behalf of the Company.

IN WITNESS WHEREOF, I have hereunto set my hand as of August 15,  
2016.



\_\_\_\_\_  
Leslie A. Freiman, Secretary