

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

IN RE: APPLICATIONS FOR ELIGIBILITY OF CERTAIN	:
FACILITIES AS RENEWABLE ENERGY RESOURCES	:
ENOSBURG HYDRO GENERATION UNIT	: DOCKET NO. 4415
BARTON HYDRO GENERATION UNIT	: DOCKET NO. 4416
WOLCOTT HYDRO #1 GENERATION UNIT	: DOCKET NO. 4441
H.K. SANDERS GENERATION UNIT	: DOCKET NO. 4458
MORRISVILLE PLANT #2 GENERATION UNIT	: DOCKET NO. 4459
CADY FALLS GENERATION UNIT	: DOCKET NO. 4460

ORDER

In accordance with Rhode Island Public Utilities Commission (PUC) Rules and Regulations Governing the Implementation of a Renewable Energy Standard (RES Rules) and R.I. Gen. Laws § 39-26-1, the PUC approved the application for certification of the following six facilities (collectively, the Facilities) as eligible Existing Renewable Energy Resources<sup>1</sup>: 1) Village of Enosburg Falls for its Enosburg Hydro Generation Unit, a 0.975 MW small hydro energy facility located in Enosburg Falls, Vermont,<sup>2</sup> 2) Village of Barton Falls for its Barton Hydro Generation Unit, a 1.4 MW small hydro energy facility located in Barton, Vermont,<sup>3</sup> 3) Town of Hardwick Electric Department for its Wolcott Hydro #1 Generation Unit, a 0.815 MW small hydro energy facility located in Wolcott, Vermont,<sup>4</sup> 4) Village of Morrisville Water & Light Department for its H.K. Sanders Generation Unit, a 1.8 MW small hydro energy facility located in Park Hyde, Vermont,<sup>5</sup> 5) Village of Morrisville Water & Light Department for its Morrisville Plant #2 Generation Unit, a 1.8 MW small hydro energy facility located in Morrisville,

---

<sup>1</sup> The authorized representative for these facilities was identified as Maria Fischer, Village of Morrisville Water & Light Department, 5195 Waterbury-Stowe Rd., Waterbury Center, VT; Phone (802) 882-8508; Email: [mfischer@vppsa.com](mailto:mfischer@vppsa.com).

<sup>2</sup> Order No. 21111 issued July 26, 2013.

<sup>3</sup> Order No. 21112 issued July 26, 2013.

<sup>4</sup> Order No. 21275 issued December 10, 2013.

<sup>5</sup> Order No. 21317 issued January 21, 2014.

Vermont,<sup>6</sup> and 6) Village of Morrisville Water & Light Department for its Cady Falls Generation Unit, a 1.3 MW small hydro energy facility located in Morristown Vermont.<sup>7</sup>

On July 11, 2016, the authorized representative submitted notification that the Facilities began operating as a behind-the-meter generator to reduce load, while remaining ISO registered units.<sup>8</sup> On August 26, 2016, the PUC sent an email reply notifying the authorized representative that pursuant to Section 5.3 of the RES Rules, “NEPOOL GIS Certificates associated with energy production from Off-grid Generation and Customer-sited Generation Facilities certified by the Commission as Eligible Renewable Energy Resources may also be used to demonstrate compliance, **provided that the facilities are physically located in Rhode Island**”, and requested additional information.<sup>9</sup> A supplemental notice was sent to the authorized representative on September 8, 2016, notifying her of the need to remove the Facilities from the list of eligible Rhode Island Eligible Renewable Energy Resources because behind-the-meter facilities that are not physically located in Rhode Island are not eligible for certification as a Rhode Island. The PUC notified that it would be taking action at to remove the Facilities at an Open Meeting.<sup>10</sup>

At Open Meeting held on January 30, 2017, the PUC found that the notification by the authorized representative represents a change in the eligibility status of the Facilities. The Facilities were given ample notice of both the RES Rules and that behind-the-meter facilities must be physically located in Rhode Island. The Facilities are

---

<sup>6</sup> Order No. 21318 issued January 21, 2014.

<sup>7</sup> Order No. 21319 issued January 21, 2014.

<sup>8</sup> Email from Maria Fischer to Luly Massaro (July 11, 2016).

<sup>9</sup> Email from Luly Massaro to Maria Fischer (Aug. 26, 2016) (emphasis added).

<sup>10</sup> Email from Luly Massaro to (Sep. 8, 2016).

physically located in Vermont. Pursuant to Section 6.6 of the RES Rules, the PUC revoked the certification of the Facilities without prejudice.

Accordingly, it is

(22658) ORDERED:

1) The Enosburg Hydro Generation Unit located in Enosburg, Vermont (GIS # MSS830), is removed from the list of Eligible Renewable Energy Resource in the State of Rhode Island without prejudice.

2) The Barton Hydro Generation Unit located in Barton, Vermont (GIS # MSS828), is removed from the list of Eligible Renewable Energy Resource in the State of Rhode Island without prejudice.

3) The Wolcott Hydro #1 Generation Unit located in Wolcott, Vermont (GIS # MSS1167), is removed from the list of Eligible Renewable Energy Resource in the State of Rhode Island without prejudice.

4) The H.K. Sanders Hydro Generation Unit located in Hyde Park, Vermont (GIS # MSS1168), is removed from the list of Eligible Renewable Energy Resource in the State of Rhode Island without prejudice.

5) The Morrisville Plant #2 Generation Unit located in Morrisville, Vermont (GIS # MSS1166), is removed from the list of Eligible Renewable Energy Resource in the State of Rhode Island without prejudice.

6) The Cady Falls Hydro Generation Unit located in Morrisville, Vermont (GIS # MSS1165), is removed from the list of Eligible Renewable Energy Resource in the State of Rhode Island without prejudice.

7) Renewable Energy Certificates associated with the production of energy from

The Facilities which are minted on or after July 11, 2016 are not eligible for the Renewable Energy Standard in Rhode Island.

8) This Order does not make a determination of whether the Facilities would meet the eligibility requirements under Rhode Island Renewable Energy Standard in the future and therefore, the Applicants may submit a new application to the PUC for its review in the future.

EFFECTIVE AT WARWICK, RHODE ISLAND ON JANUARY 30, 2017  
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED  
FEBRUARY 10, 2017.

PUBLIC UTILITIES COMMISSION



  
Margaret E. Curran, Chairperson

  
Marion S. Gold, Commissioner

  
Herbert F. DeSimone, Commissioner

**NOTICE OF RIGHT OF APPEAL:** Pursuant to R.I. Gen. Laws § 39-5-1, any person aggrieved by a decision or order of the PUC may, within seven days (7) 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.