

RIPUC Use Only

Date Application Received: / / /
Date Review Completed: / / /
Date Commission Action: / / /
Date Commission Approved: / / /

**GIS Certification #:
18344**

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

The Standard Application Form

**Required of all Applicants for Certification of Eligibility of Renewable Energy Resource
(Version 9 - April 19, 2021)**

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

Pursuant to the Renewable Energy Act

Title 810, Chapter 40, Subchapter 05, Part 2 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 Public Utilities Commission Rules and Regulations Governing the Implementation of a Renewable Energy Standard [810-RICR-40-05-2 \(RES Rules\)](#) , and the associated RES Certification Filing Methodology Guide. All applicable regulations, procedures and guidelines are available on the Commission's web site: www.ripuc.ri.gov/utilityinfo/res.html.
- Please submit one original 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
- Electronic submittals are also required and should be sent to Res.filings@puc.ri.gov.
- In addition to filing with the Commission, Applicants are required to send an electronic copy of the application and supporting documents to the service list located at <http://www.ripuc.ri.gov/utilityinfo/reslist.doc>
- Keep a copy of the completed Application for your records.
- The Commission will notify the Authorized Representative if the Application is incomplete.
- Pursuant to RES Rules Section 2.6(A)(3), the Commission shall provide a thirty (30) day period for public comment following posting of any administratively complete Application. All information submitted with the Application is considered to be a public record unless the Commission deems some portion of the application confidential after consideration under [Rules of Practice and Procedure 810-RICR-00-00-1](#), Section 1.3(H)(3). It is the applicant's responsibility to request confidential treatment and to provide redacted copies to the Commission and the service list.
- Questions related to this Renewable Energy Resources Eligibility Form can be submitted to Res.filings@puc.ri.gov

SECTION I: Identification Information

1.1 Name of Generation Unit (sufficient for full and unique identification, and consistent with the Generation Unit name listed on the NEPOOL GIS, if currently listed):

RoxWind LLC

1.2 Type of Certification being requested (note: if the Generation Unit has not yet achieved Commercial Operation, check Prospective Certification/Declaratory Judgement):

Standard Certification

Prospective Certification (Declaratory Judgment)

1.3 This Application includes: (Check *all and only* those that apply)

Appendix A: Authorized Representative Certification for Individual Owner

Appendix B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals, including Limited Liability Companies (LLC) *Note: Please refer to Section 6.1, Corporations, for required evidence certifying Authorized Representative.*

Appendix C: Existing Renewable Energy Resources

Appendix D: Special Provisions for Aggregators of Customer-sited, Off-grid Generation, or RI-sited Remote Net Metered Facilities

Appendix E: Special Provisions for a Generation Unit Located in a Control Area Adjacent to NEPOOL

Appendix F: Fuel Source Plan for Eligible (including Unlisted) Biomass Fuels

1.4 Primary Contact Person

Name and title: **Connor Gray, Asset Manager**

Address: **230 Park Ave 1560 New York, NY 10017**

Phone: **406-890-1222**

Email: **connor.gray@greenbackercapital.com**

1.5 Backup Contact Person

Name and title: **Paola Cadau, Vice President of Wind Operation**

Address: **230 Park Ave 1560 New York, NY 10017**

Phone: **312-282-0971**

Email: **paola.cadau@greenbackercapital.com**

1.6 Authorized Representative (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):

Name and title: **Spencer Mash, Executive Vice President of Structured Finance**

Company: **Greenbacker Capital**

Address: **230 Park Ave 1560 New York, NY 10017**

Phone: **8883570560**

Email: **spencer.mash@greenbackercapital.com**

Appendix A or B, or Corporate Authorization (as appropriate) completed and attached?

Yes No

1.7 Owner

Name and title: **RoxWind LLC, Owner**

Company: **RoxWind LLC**

Address: **230 Park Avenue 1560 New York, NY 10017**

Phone: **888-357-0560**

Email: **windam@greenbackercapital.com**

1.8 Owner business organization type (check one):

Individual

Partnership (including Limited Liability Company and other Non-Corporate Entities)

Corporation

Other:

1.9 Operator

Name and title: **RoxWind LLC, Operator**

Company: **RoxWind LLC**

Address: **230 Park Avenue 1560 New York, NY 10017**

Phone: **8883570560**

Email: **windam@greenbackercapital.com**

1.10 Operational business organization type (check one):

Individual

Partnership (including Limited Liability Company and other Non-Corporate Entities)

Corporation

Other:

SECTION II: Generation Unit Information, Fuels, Energy Resources and Technologies

- 2.1 NEPOOL GIS Identification Number (if assigned yet, along with appropriate MSS, NON or IMP designation): **18344**

For facilities enrolled in the RI Renewable Energy Growth Program: National Grid will provide the participant with an MSS ID.

- 2.2 Nameplate Capacity (list AC, and DC if applicable): **15300000.00** kW AC **15300000.00** kW DC

- 2.3 Maximum Demonstrated Capacity (list AC, and DC if applicable): **15300000.00** kW AC **N/A** kW DC

- 2.4 Please indicate which of the following Eligible Renewable Energy Resources are used by the Generation Unit: (Check ALL that apply) – *per RES Rules Section 2.5*

- 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 (*per RES Rules Section 2.3(A)(7)*)
- Biomass facilities using unlisted biomass fuel (*per RES Rules Section 2.3(A)(7)(a)*)
- Fuel cells using a renewable resource referenced in this section

- 2.5 For small hydro facilities, please certify that the facility's aggregate capacity does not exceed 30 MW. – *per RES Rules Section 2.3(A)(32)*

- <-- check this box to certify that the above statement is true
- N/A

- 2.6 For 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 Rules Section 2.3(A)(32)*

- <-- check this box to certify that the above statement is true
- N/A

- 2.7 For biomass facilities: Appendix F completed and attached?

- Yes (Please specify fuel or fuels used or to be used in the unit:)
- 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," a copy of each state's certifying order is attached?

- <-- check this box to certify that the above statement is true

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 or, if not yet in operation, the anticipated Commercial Operation Date:

11/30/2021

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. For facilities located in Rhode Island, a copy of National Grid's Authorization to Interconnect letter would also be sufficient. This documentation is needed in order to verify that the facility qualifies as a New Renewable Energy Resource.

Documentation of Commercial Operation Date 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 on or 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):

SECTION IV: Metering

4.1 Please indicate how the Generation Unit's electrical energy output is verified:

- ISO-NE Market Settlement System
- Other, including Self-Reported to the NEPOOL GIS Administrator (please specify below and complete Appendix D):

For "Other," Appendix D completed and attached?

- Yes
- No
- N/A

For facilities enrolled in the RI Renewable Energy Growth Program: National Grid will be reporting output to the ISO-NE Market Settlement System.

4.2 Please check one of the following that apply to the Generation Unit:

- Grid Connected Generation
 - Connected directly to a utility transmission or distribution system with only station load at the unit site
 - Units participating in the RI Renewable Energy Growth Program fall in this category.
- Off-Grid Generation
 - Not connected to a utility transmission or distribution system
- Customer-Sited Generation
 - Connected on the end-use customer side of a retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer, other than station load
 - Traditional behind-the-meter net metering falls in this category.
 - Units located outside Rhode Island with this configuration will be deemed ineligible by PUC (see RES Rules Section 2.6(H)(1) (see also Order No. 23710, <http://www.ripuc.ri.gov/eventsactions/docket/4858-4891-Kearsarge%20Ord23710%2011-12-2019.pdf>
- Remote Customer-Sited Generation
 - Connected directly to the local electric utility distribution grid with only station load
 - All or some of the electrical energy from the unit is designated for use in displacing all or part of the retail electricity metered consumption of one or more end-use customers (including through a transfer of bill credits)
 - "Virtual" and "remote" front-of-the-meter net metering falls in this category.
 - Units located outside Rhode Island with this configuration have been found ineligible by the PUC (see Order 23710, <http://www.ripuc.ri.gov/eventsactions/docket/4858-4891-Kearsarge%20Ord23710%2011-12-2019.pdf>

SECTION V: Location

5.1 Generation Unit address:

54 Horseshoe Valley Road Roxbury, ME 04275

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

A. Universal Transverse Mercator Coordinates: **19T 371640.99mE 4941594.07mN**

B. Longitude/Latitude: **44.616241/-70.617839**

5.3 The Generation Unit is 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 is ineligible.*

5.4 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, to demonstrate the authority of the Authorized Representative provided in Section 1.6.

Corporations

The Authorized Representative of the Corporation 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.¹
- Evidence of Board Vote provided?

- Yes
- No
- N/A

Corporate Certification provided?

- Yes
- No
- N/A

Individuals

If the Owner is an Individual, that Individual shall complete and attach Appendix A, or a similar form of certification from the Owner, 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

(Limited Liability Companies - LLCs, Proprietorships, Partnerships, Cooperatives, etc.) If the Owner is neither an Individual nor a Corporation, it shall complete and attach Appendix B or execute a resolution indicating that the Authorized Representative named in Section 1.6 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

¹ If the Corporation has only one sole Officer, it is acceptable for that Officer to provide signatory certification of same as Authorized Representative.

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 RES Rules Section 2.6(E). I further acknowledge that the Generation Unit is obligated to and will file such quarterly or other reports as required by the Rules 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: **Signed Electronically**

DATE: **2022-06-27 16:08:07**

Spencer Mash

(Printed Name of Signatory)

Executive Vice President of Structured Finance

(Title)

Greenbacker Capital

(Company)

ACTION BY THE MANAGING MEMBER OF

RoxWind LLC

April 27, 2020

The undersigned, being the managing member of RoxWind, LLC, a Massachusetts limited liability company duly organized and existing under the laws of the State of Massachusetts, U.S.A. (the “Company”), does hereby adopt, pursuant to the limited liability agreement of the Company, the following resolutions:

Appointment of Officers

RESOLVED, that the following persons (each an “Officer”) shall be, and hereby are, elected to serve as officers of the Company, in the office designated opposite their name, and until their successor is duly elected and qualify, unless they resign, are removed from office or otherwise disqualified from serving as an officer of the Company.

Charles Wheeler	Chief Executive Officer
Richard Butt	Chief Financial Officer
Spencer Mash	Executive Vice President
Callie Hull	Assistant Secretary

RESOLVED FURTHER, that the Officers are hereby authorized to perform any all such acts on behalf of the Company, including execution of any documents and certificates, as each Officer deems advisable or necessary for the Company.

RESOLVED FURTHER, that any action taken by the Officer prior to the date of the forgoing resolutions adopted herby are within the authority conferred thereby and hereby ratified, confirmed and approved as the acts and deeds of the Company.

IN WITNESS WHEREOF, the undersigned has executed this consent as of the date hereinabove set forth and directs that it be filed with the records of the Company.

By: RoxWind Manager LLC, its managing member

By:

DocuSigned by:

Richard c. Butt

482FAFC0339C4C5...

Name: Richard Butt
Title: Chief Financial Officer

From: [Sumul Shah](#)
To: [Ballantine, Joseph](#); [Lindsay Deane-Mayer](#)
Cc: [Corey Kelkenberg](#)
Subject: Re: [EXT] RoxWind First Sync
Date: Tuesday, November 9, 2021 6:04:18 PM

CAUTION: External Email. This email originated from outside of the organization. DO NOT CLICK links or open attachments unless you recognize the sender and know the content is safe.

Thank you.



Sumul Shah | Partner
Palmer Capital Corporation
Boston, Massachusetts
M: 781-389-4671 | www.palmcap.com

From: Ballantine, Joseph <JBallantine@iso-ne.com>
Sent: Tuesday, November 9, 2021 5:01 PM
To: Sumul Shah <sumul@palmcap.com>; Lindsay Deane-Mayer <lindsay@palmcap.com>
Cc: Corey Kelkenberg <corey.kelkenberg@greenbackercapital.com>
Subject: RE: [EXT] RoxWind First Sync

I have gone over the ISO checklist items for Initial Synch and believe you have met them all. I will, however, connect with other departments tomorrow to determine if all concur with my assessment.

I will get back to you if there are any open issues identified.

Joseph T. Ballantine
Principal Analyst | Asset Registration and Auditing
(413) 535-4199 (office) | (203) 605-9265 (mobile)
jballantine@iso-ne.com

ISO New England Inc.
One Sullivan Road | Holyoke, MA 01040-2841
[Web](#) | [ISO Express](#) | [News](#) | [Twitter](#) | [App](#)

The information in this message and in any attachments is intended solely for the addressee(s) listed above. If you have received this message in error, please notify us immediately and delete the original message.

From: Sumul Shah <sumul@palmcap.com>
Sent: Tuesday, November 09, 2021 4:27 PM
To: Ballantine, Joseph <JBallantine@iso-ne.com>; Deane-Mayer, Lindsay <lindsay@palmcap.com>
Cc: Corey Kelkenberg <corey.kelkenberg@greenbackercapital.com>
Subject: [EXT] RoxWind First Sync

ISO-NE – RoxWind Commercial Operation Authorization

Ballantine, Joseph <JBallantine@iso-ne.com>

Tue 11/30/2021 10:21 AM

To: Gil Myette <gmyette@ene.org>; Lindsay Deane-Mayer <lindsay@palmcap.com>; Sumul Shah <sumul@palmcap.com>

Cc: Love, Olivia <OLove@iso-ne.com>; Schulte, Jason <jschulte@iso-ne.com>

 2 attachments (517 KB)

RoxWind (128557)_Summary and Checklist_20211130 - Final.xlsx; 20211020_GAR_69789.pdf;

RoxWind Asset ID 69789 has a valid, fully executed Interconnection Agreement in place with ISO New England Inc. and Central Maine Power and has fulfilled all of the necessary conditions and requirements to be an ISO-NE market asset. RoxWind Asset ID 69789 has been given permission to energize and interconnect to the transmission system as verified through the signed Asset Registration Form and has been granted permission to operate in parallel with the ISO-NE transmission system.

Attached you will find the completed Project Summary and Checklist which has been closed out. The signed Asset Registration Form which granted permission to energize and interconnect to the transmission system is also attached.

If you have any further questions, let me know.

Regards,

Joseph T. Ballantine

Principal Analyst | Asset Registration and Auditing

(413) 535-4199 (office) | (203) 605-9265 (mobile)

jballantine@iso-ne.com

ISO New England Inc.

One Sullivan Road | Holyoke, MA 01040-2841

[Web](#) | [ISO Express](#) | [News](#) | [Twitter](#) | [App](#)

REGISTRATION [Close]

- Change Profile
- EMA Link Setup

ACCOUNT MANAGEMENT [Close]

- Login Management
- API Management

ACCOUNT INFORMATION [Close]

Company ID: 18344
 Company Name: RoxWind LLC
 Account Administrator Email: connor.gray@greenbackercapital.com
 Account Administrator Phone: 406-890-1222

INBOX [Close]

Obligation

From	Quantity	Status	Confirm	Reject
No Records!				

ASSET MANAGEMENT [Close] Total Assets **1**

Unit ID	Plant - Unit	Reveal Output to Regulators	Generator Type	Status	Modify Generation/Emission
MSS69789	ROXWIND	Yes	NEPOOL Gen	Approved	JAN 2022

View All Forward Certificates | Create Forward Certificate | View Emission Entry History

Register Non-NEPOOL Generator [Icon]
 Register DR Generator (One Only)
 (New NEPOOL Generators will appear above after registration in MSS.)

MESSAGE NOTIFICATION - LAST 30 DAYS [Close] Total Messages **0**

Message Type	Message	Created Date
No Records!		

[Add]

IMPORT [Close]

Control Area	Year	Month	Energy Imports (MWh)	Project Meter Data (MWh)	Maximum MWh to Claim	Certificates to be Issued	Cost Min
No Records!							

[Help](#)

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
**DEPARTMENT OF ENERGY
RESOURCES**

100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114
Telephone: 617-626-7300
Facsimile: 617-727-0030

Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

**Kathleen A.
Theoharides**
Secretary

Patrick C. Woodcock
Commissioner

August 6, 2021

Lindsay Deane-Mayer
Project Manager RoxWind LLC
13 Elm Street
Suite 300
Cohasset, MA 02025

**RE: RPS Class I Eligibility Decision
RoxWind LLC, Roxbury, ME (WD-7007-21)**

Dear Ms. Deane-Mayer,

On behalf of the Department of Energy Resources (the Department), I am pleased to inform you that the Statement of Qualification Application (19258) for **RoxWind LLC** pursuant to the Massachusetts Renewable Energy Portfolio Standard (RPS) – Class I Regulations, has been approved, as documented in the enclosed Statement of Qualification. The Department finds that the Generation Unit meets the requirements for eligibility as an RPS Class I Renewable Generation Unit (Wind Energy) pursuant to 225 CMR 14.05.

Each Massachusetts Class I Renewable Generation Unit is assigned a unique Massachusetts RPS Class I Identification Number (MA RPS Class I ID#), which must be included in all correspondence with the Department. As stated in the Statement of Qualification (SQ), your Generation Unit's MA RPS Class I ID# is:

WD-7007-21

Please note that the amount of the RPS qualified generating capacity must not be committed to any Control Area other than the ISO New England Control Area, pursuant to 225 CMR 14.05(1)(e)1.

Also, please note the notification requirements in 225 CMR 14.06(5) for changes in the Generation Unit that could affect its eligibility status, and in 225 CMR 14.06(6) for changes in capacity, contact information, Owner or Operator, and Authorized Representative. The Owner or Operator of the Generation Unit shall submit notification of such changes to the Department no later than five days following the end of the month during which such changes were implemented.

Finally, please be aware that the Operating Rules and the reporting requirements of the NEPOOL GIS, which may be amended from time to time, and compliance with which may affect the RPS qualification of your Generation Unit's Renewable Generation certificates.

If you have any questions or concerns about the Statement of Qualification or any aspect of the RPS program, please contact me by email at doer.rps@mass.gov, or at the Department's address above.

Sincerely,

A handwritten signature in black ink, appearing to read "John Wassam". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Wassam
RPS and APS Program Manager

Encl: Statement of Qualification

**AUTHORIZATION FOR
CLASS I
RENEWABLE ENERGY CERTIFICATE (REC) ELIGIBILITY**

The Department of Energy received, and staff reviewed an application requesting Class I REC eligibility for the RoxWind, LLC facility, located at 54 Horseshoe Valley Road in Roxbury Maine. Staff has recommended approval for the 15.32 (MW) RoxWind facility as eligible for New Hampshire Class I RECs, effective as of February 28, 2022 and approval is hereby granted.

Class I RREC # 22-0143

NEPOOL Unit Name	Address	Town/City	State	Zip
RoxWind	54 Horseshoe Valley Rd	Roxbury	ME	04275

MW	GIS Facility Code	NH Certification Number
15.32	MSS18344	NH-22-I-0143

03-23-2022

Date



Handwritten signature of Jared S. Chicoine in blue ink.

Jared S. Chicoine
Commissioner

*This authorization is non-transferable without notice to and acknowledgment by the
New Hampshire Department of Energy, 21 S. Fruit St., Suite 10, Concord NH 03301*

Notifications to:
windam@greenbackercapital.com

June 7, 2021

ROXWIND LLC
Request for Approval of Certification
For RPS Eligibility (Roxbury Wind Facility)

ORDER GRANTING NEW
RENEWABLE RESOURCE
CERTIFICATIONS

BARTLETT Chair; WILLIAMSON and DAVIS, Commissioners

I. SUMMARY

On May 25, 2021, RoxWind LLC requested certification of a 15.3 MW wind facility located in Roxbury, Maine as a Class I and Class IA renewable resource eligible to satisfy Maine's new renewable resource portfolio (or renewable portfolio standard (RPS)) requirement pursuant to Chapter 311 of the Commission's rules. 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 (2007 Act). P.L. 2007, ch. 403 (codified at 35-A M.R.S.A. section 3210(3-A)). The 2007 Act added a mandate that specified percentages of electricity that supply Maine's consumers come from "new" renewable resources.¹ The 2007 Act defined a "new" renewable resource as renewable facilities that have an in-service date, resumed operation, or were refurbished after September 1, 2005. The percentage requirement started at one percent in 2008 and increased in annual 1% increments until it reached 10% by 2017.

On June 26, 2019, the Governor signed L.D. 1494, An Act To Reform Maine's Renewable Portfolio Standard, P.L. 2019, ch. 477 (2019 Act). The 2019 Act became effective September 19, 2019. The 2019 Act made changes to eligibility, removed the provision that the 10% requirement for Class I end in 2022, created a new Class IA renewable resource portfolio requirement and a new thermal renewable energy resource requirement.² It also applies a 300% multiplier for the output of a generator fueled by municipal solid waste in conjunction with recycling in Class II.

¹ 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).

² The thermal renewable energy resource requirement began in 2021.

The Commission modified its portfolio requirement rule (Chapter 311) to implement the provisions of the 2019 Act. *Maine Public Utilities Commission, Amendments to Portfolio Requirement Rule (Chapter 311)*, Docket No. 2019-00177, Order Amending Rule and Statement of Factual and Policy Basis (Nov. 8, 2019) and *Maine Public Utilities Commission, Amendments to Portfolio Requirement Rule (Chapter 311)*, Docket No. 2019-00212, Order Adopting Rule and Statement of Factual and Policy Basis (Nov. 13, 2020).

Chapter 311 defines a Class I resource as a new renewable capacity resource. A “renewable capacity resource” is defined as a source of electrical generation:

1. That relies on wind or solar power;
2. Whose total power production capacity does not exceed 100 megawatts and relies on one or more of the following:
 - a. Fuel cells;
 - b. Tidal power;
 - c. Geothermal installations;
 - d. Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator;
 - e. Biomass generators that are fueled by wood, wood waste or landfill gas; or
 - f. Anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse; or
3. Is qualified hydroelectric output.

For a renewable capacity resource to qualify as “new,” a resource must be qualified hydroelectric output or a renewable capacity resource that meets one of the following criteria:

1. Has an in-service date after September 1, 2005;
2. Was added to an existing facility after September 1, 2005;
3. 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
 - a. Was refurbished after September 1, 2005 and received certification from the Commission: Before September 1, 2019, that it is operating beyond its previous useful life or is employing an alternate technology that significantly increases the efficiency of the generation process; or

- b. On or after September 1, 2019 that it is operating beyond its previous useful life as evidenced by a finding that the facility would be reasonably likely to cease operation if not for substantial capital investment made after September 1, 2018, except for capital investment required to meet state and federal fish passage standards.

A Class IA resource is defined as a Class I resource other than a Class I resource that for at least two years was not operated or was not recognized by the New England independent system operator as a capacity resource and, after September 1, 2005, resumed operation or was recognized by the New England independent system operator as a capacity resource.

Chapter 311 establishes a certification process that requires generators to pre-certify facilities as a Class I and/or Class IA resources under the requirements of the rule and provides for a Commission determination of resource eligibility on a case-by-case basis.

Finally, the rule specifies that the Commission may revoke a certification if there is a material change in circumstances that renders the generation facility ineligible as Class I or Class IA resource.

B. Petition for Certification

In its May 25, 2021 petition, RoxWind LLC requested that the Roxbury Wind Facility be certified as a Class I and Class IA renewable resource. According to the petition, the Facility is a 15.3 MW wind facility located on Horseshoe Valley Road in Roxbury, Maine 04275. The Facility's expected initial commercial operation date is the fall of 2021. The New England Power Pool Generation Information System Identification Number (NEPOOL GIS ID) for the facility is MSS18344.

III. DECISION

The Commission has delegated to the Director of the Electric and Gas Utility Industries the authority to certify generation facilities as Class I new renewable resources. *Commission Initiated Delegation of Authority to Certify Class I New Renewable Resources*, Docket No. 2008-00184, Delegation Order (April 23, 2008); *Commission Initiated Delegation of Authority to Certify Class IA New Renewable Resources and Thermal Renewable Resources*, Docket No. 2021-00099, Delegation Order (May 11, 2021). Based on the information provided by RoxWind LLC, I conclude that the Roxbury Wind Facility satisfies the eligibility requirements as both a Class I and Class IA resource. The Facility is fueled by wind and will commence commercial operations after September 1, 2005.

Accordingly, the Roxbury Wind Facility is hereby certified as both a Class I and Class IA renewable resource eligible to satisfy Maine's new renewable resource portfolio requirement pursuant to Chapter 311 of the Commission's rules. RoxWind LLC or the Facility's successive owners or operators 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. RoxWind LLC should also provide a copy of this Order to the administrators of NEPOOL GIS and/or the North American Renewables

Registry (NAR).

To the extent the output of the Roxbury Wind Facility is serving load behind the meter, RoxWind LLC must retain GIS certificates or otherwise obtain GIS certificates necessary to satisfy Maine's RPS for that portion of the behind-the-meter load that is served by the Facility. See *Lincoln Paper and Tissue, LLC, Request for Certification for RPS Eligibility*, Docket No. 2008-00173, Order Granting New Renewable Resource Certification at 8 (Jan. 27, 2009). If the output of the load is used behind the meter, RoxWind LLC shall submit to the Commission an annual report by September 1st of each year that demonstrates compliance with this requirement.

Dated at Hallowell, Maine, this 7th day of June, 2021.

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. § 9061 requires the Public Utilities Commission to give each party at the conclusion of an adjudicatory proceeding written notice of the party's rights to seek review of or to appeal the Commission's decision. The methods of review or appeal of Commission decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. ch. 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. § 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. § 1320(5).

Pursuant to 5 M.R.S. § 8058 and 35-A M.R.S. § 1320(6), review of Commission Rules is subject to the jurisdiction of the Superior Court.

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.