NORTH HARTLAND, LLC

c/o ESSEX HYDRO ASSOCIATES, LLC 55 UNION STREET, 4TH FLOOR BOSTON, MASSACHUSETTS 02108 USA TELEPHONE: FAX: E-MAIL: +617-367-0032 +617-367-3796 nhllc@essexhydro.com

February 28, 2013

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

Re: Rhode Island New Renewable Energy Resources Eligibility for North Hartland Bypass Flow Turbine

Dear Ms. Massaro:

Please find enclosed an original and three copies of the request by North Hartland, LLC ("NHLLC") for certification of its 138kW Bypass Flow Turbine as a New Renewable Energy Resource. As part of this request we are enclosing a Renewable Energy Resources Form for the NHLLC Bypass Flow Turbine. On October 8, 2009, The Federal Energy Regulatory Commission issued NHLLC an Order Amending License authorizing the installation of a bypass flow turbine at the North Hartland Project. Installation of the bypass flow turbine was completed on November 29, 2011, and the unit was placed into commercial operation on January 9, 2012. The unit is currently in operation.

Thank you in advance for your review of this application. Please contact Mr. Stephen Hickey at 617-367-0032 or me at al@essexhydro.com with any questions.

Very truly yours,

NORTH HARTLAND, L.L.C.

By: HCE-Dodge Falls Inc.
Operating Member

Andrew J. Locke

Treasurer

RIPUC Use Only	GIS Certification #:
Date Application Received://	
Date Review Completed://	
Date Commission Action://	
Date Commission Approved://_	

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. 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@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.
- · 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@puc.state.ri.us.

SECTION I: Identification Information

1.1	Name of Generation Unit (sufficient for full and unique identification): North Hartland Bypass Flow Turbine					
1.2	Type of Certification being requested (check one):					
	Standard Certification Prospective Certification (Declaratory Judgment)					
1.3	This Application includes: (Check all that apply) ¹					
M/A	Operator					
	APPENDIX B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals					
	APPENDIX C: Existing Renewable Energy Resources					
NA	☐ APPENDIX D: Special Provisions for Aggregators of Customer-sited or Off-grid Generation Facilities					
NA	☐ APPENDIX E: Special Provisions for a Generation Unit Located in a Control Area					
	Adjacent to NEPOOL					
NA	☐ APPENDIX F: Fuel Source Plan for Eligible Biomass Fuels					
1.4	Primary Contact Person name and title: <u>Carolyn M.X. Alderman</u> Counsel, Energy Specialist VEPP Inc.					
	Counsel, Energy Specialist VEPP Inc.					
1.5	Primary Contact Person address and contact information:					
	Address: 1965 Depot Street, P.O. Box 1938					
	Marchester, VT 05255					
	N					
	Phone: 802 362 0748 Fax: Email: calderman everpions					
	Email:calcierman @ veppi.org					
1.6	Backup Contact Person name and title: Andrew J. Locke Treawier					
	North Hartland LLC By HCE-Dodye Falls Inc. Operating Member					
1.7	Backup Contact Person address and contact information:					
1.,	Address: _ c/o Essex Hydro Associates, L.L.C					
	55 Union Street 4th Floor					
	Boston, MA 02108					
	Phone: 617 367 0032 Fax: 617 367 3796					
	Email: al @ essexhydro, com					

¹ 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):			
	North Hartland LLC By HCE-Dodge Falls Inc. Operating Member			
	Appendix A or B (as appropriate) completed and attached? ✓ Yes □ No □ N/A			
1.9	Authorized Representative address and contact information:			
	Address: 10 Essex Hydro Associates, L.L.C.			
	55 Union Street, 4th Floor			
	Boston, MA 02108			
	Phone: 617 367 0032 Fax: 617 367 3796			
	Email: al e essexhydro.com			
1.10	Owner name and title: North Hartland LLC			
1.11	Owner address and contact information: Address: c/o Essex Hydro Associates L.L.C. 55 Union Street, 4th Floor Boston, MA 02108 Phone: 617 367 0032 Fax: 617 367 3796 Email: nn1 @ essexhydro.com			
1.12				
1.13	Operator name and title: North Hartland LLC			
1.14	Operator address and contact information: Address: C/O Essex Hydro Associates, L.L.C. 55 Union Street, 4th Floor Boston, MA 02108 Phone: 617 367 0032 Fax: 617 367 3796 Email: nhl @ essexhydro.com			
1.15				

SECTION II: Generation Unit Information, Fuels, Energy Resources and Technologies ISO-NE Generation Unit Asset Identification Number or NEPOOL GIS Identification 2.1 Number (either or both as applicable): 33810 Generation Unit Nameplate Capacity: 0.138 MW 2.2 2.3 Maximum Demonstrated Capacity: O.111 MW Please indicate which of the following Eligible Renewable Energy Resources are used by 2.4 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: Please specify the fuel or fuels used or to be used in the Unit: В. Please complete and attach Appendix F, Eligible Biomass Fuel Source Plan. Appendix F completed and attached? ☐ Yes ☐ No ☐ N/A

2.8	another state's renewable portfolio standard?						
	✓ Yes □ No	If yes, please attach a copy	y of that state's co	ertifying o	rder.		
	Copy of State's certifying	order attached?	✓ Yes	□ No	□ N/A		
SEC	ΓΙΟΝ ΙΙΙ: Commercial Op	oeration Date	See Appendin	1			
Pleas	e provide documentation to	support all claims and respo	onses to the follo	wing ques	tions:		
3.1	Date Generation Unit first entered Commercial Operation: <u>o i / o g / i 2</u> at the site.						
	verification, such as the ut	on date is after December 3 tility log or metering data, so This is needed in order to value of the control of	showing that the	meter first	spun		
	Documentation attached?		🗹 Yes	☐ No	□ N/A		
			See Appendix				
3.2	Is there an Existing Renev	vable Energy Resource loca	ated at the site of	Generatio	n Unit?		
	✓ Yes □ No						
3.3		onse to question 3.1 is earlie to question 3.2 above, plead attached?	ease complete Ap				
3.4					to		
	☐ 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):						
SEC	ΓΙΟΝ IV: Metering						
4.1	that apply): D, ISO-NE Market Settle	eneration Unit's electrical of ement System EPOOL GIS Administrator		erified (cl	neck all		

	☐ Other (please specify below and see Appendix D: Eligibility for Aggregations):			
	Appendix D completed and attached?			
SECT	TON 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: 721 U.S. Roste 5			
	North Hartland, VT 0505Z			
Please provide the Generation Unit's geographic location information:				
	A. Universal Transverse Mercator Coordinates: 452785,300 / 1971115.178			
	B. Longitude/Latitude: 43.604477 / -72.353264			
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					
						m, or
	(b) A certification from the Corporate Clerk or Secretary of the Corporation that the Authorized Representative is authorized to execute the Renewable Energy Resourc Eligibility Form or is otherwise authorized to legally bind the corporation in like matters.				Resources	
	Evidence of Board Vote provided?		Yes		No	☑ N/A
	Corporate Certification provided?		Yes		No	☑ N/A
	<u>Individuals</u>					
	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 otherwis legally bind the non-corporate entity in like matters.			ute a has		
	Appendix B completed and attached?	Ø	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:

DATE:

Tressurer HCE Vadge Falls, Inc (Title) Operating Member.

GIS	Certification#:	
	/	

APPENDIX A

(Required When Owner or Operator is An Individual)

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISION

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

Pursuant to the Renewable Energy Act Section 39-26-1 et. seq. of the General Laws of Rhode Island

I,, as Own	er or Operator of the Generation Unit
named in Section 1.1 of the attached Renewable Energy I	Resources Eligibility Form, under the
pains and penalties of perjury, hereby certify that	
named in Section 1.8 of the attached Application, is author	
Energy Resource Eligibility Form.	
SIGNATURE	DATE:
SIGNATURE:	DATE.
(Title)	
S	
State:	
County:	
(TO BE COMPLETED BY NOTARY) I,	as a
notary public certify that I witnessed the signature of the	above named
and said individual verified his/her identity to me on this	date:
SIGNATURE:	
/	
My commission expires on:	NOTARY SEAL:

GIS Certification #:	
-	

APPENDIX B

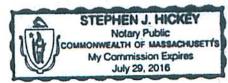
(Required When Owner or Operator is a Non-Corporate Entity Other Than An Individual)

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISION

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

Pursuant to the Renewable Energy Act Section 39-26-1 et. seq. of the General Laws of Rhode Island

, , , , , , , , , , , , , , , , , , , ,	
RESOLUTION OF AUTHORIZATION	
Resolved: that Andrew J. Locke	, named in
Section 1.8 of the Renewable Energy Resources Eligibi	ility Form as Authorized Representative,
is authorized to execute the Application on the behalf o	of North Hartland LLC By HCE-Dadge Fal
the Owner or Operator of the Generation Unit named in	n section 1.1 of the Application.
SIGNATURE:	DATE:
Thistory Then	2/28/13
Pres. HCE Dodge Fulls, Inc.	
Operating Member, North Warther	nd LCC
State: Massadusetts	
County: Suffile	
(TO BE COMPLETED BY NOTARY) I,Stephen	en J. Hickey as a
notary public, certify that I witnessed the signature o	of the above named Richard A. Norman,
and that said person stated that he/she is authorized to	execute this resolution, and the individual
verified his/her identity to me, on this date: February	28, 2013
SIGNATURE: 0 //::	DATE:
Dephon) Hickory	02/28/13
My commission expires on: July 29, 2016	NOTARY SEAL:



GIS Certification	#:

APPENDIX C

(Revised 6/11/10)

(Required of all Applicants with Generation Units at the Site of Existing Renewable Energy Resources)

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISION

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

Pursuant to the Renewable Energy Act Section 39-26-1 et. seq. of the General Laws of Rhode Island

(2) is !	Generation Unit: (1) first entered into commercial operation before Declocated at the exact site of an Existing Renewable Energy Resource, ping and attach documentation, as necessary to support all responses:		
C.1	Is the Generating Unit seeking certification, either in whole or i Renewable Energy Resource?	n part, as Yes	
C.2	If you answered "Yes" to question C.1, please complete the remainder you answered "No" and are seeking certification entirely as an E Energy Resource, you do NOT need to complete the remainder of App	xisting Re	
C.3	If an Existing Renewable Energy Resource is/was located at the site, Renewable Energy Resource been retired and replaced with the new the same site?		Unit at
C.4	Is the Generation Unit a Repowered Generation Unit (as defined in SRES Regulations) which uses Eligible Renewable Energy Resource entered commercial operation after December 31, 1997 at the standard Generation Unit?	es and wh	ich first existing
C.5	If you checked "Yes" to question C.4 above, please provide docume that the entire output of the Repowered Generation Unit first en operation after December 31, 1997.		
C.6	Is the Generation Unit a multi-fuel facility in which an Eligible Bioma fired with fossil fuels after December 31, 1997?	ass Fuel is	

- 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?
- 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?
 - 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.

APPENDIX D (Revised 6/11/10)

(Required of Applicants Seeking Eligibility for Customer-Sited and/or Off-Grid Generation Facilities and Associated Aggregations)

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISION

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

Pursuant to the Renewable Energy Act Section 39-26-1 et. seq. of the General Laws of Rhode Island

Customer-sited and Off-grid Generation Facilities located in Rhode Island may be certified as an eligible resource if their NEPOOL GIS Certificates are created by way of an aggregation of Generation Units using the same generation technology, and so long as the aggregation is certified by the Commission. Please complete the following and attach documentation, as necessary to support all responses:

D.1	Please identify the location(s) in Rhode Island of each Generation Unit that is interconnected on the End-use Customer's 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, or not connected to a utility transmission or distribution system.
D.2	Please attach proposed procedures under which the aggregate Generation Units will operate ("Aggregation Agreement"). In accordance with Section 6.8.(iii) of the RES
	Regulations, the proposed Aggregation Agreement shall contain the following information:

- (a) Name and contact information of the Aggregator Owner, to which these regulations and stipulations of certification shall apply, and who shall be the initial owner of any NEPOOL GIS Certifications so certified;
- (b) Name, contact information, and qualifications of the Verifier. Qualifications shall include any information the applicant believes will assist the Commission in determining that the Verifier will accurately and efficiently carry out its duties. After receipt of the application, the Commission may require additional evidence of qualifications;

- (c) A declaration of any and all business or financial relations between Aggregator Owner and Verifier, which the Commission will use to evaluate the independence of the Verifier.²
 - (c.1) The Aggregation Agreement shall include a statement indicating under what circumstances the Verifier would not be considered sufficiently independent of the individual Generation Unit, and that Generation Units not meeting this independence test would not be allowed to participate in the aggregation;
- (d) Type of technology that will be included in the aggregation, and statement that the aggregation will include only individual Generation Units that meet all the requirements of these regulations, for example physical location, vintage, etc. (All generators within the aggregation must be of the same technology and fuel type);
- (e) Proposed operating procedures for the aggregation, by which the Aggregation Owner shall ensure that individual Generation Units in the aggregation comply with all eligibility requirements and that the NEPOOL GIS Certificates created accurately represent generation;³
- (f) Description of how the Verifier will be compensated for its services by the aggregator. In no instances will an aggregation be certified in which the Verifier is compensated in a manner linked to the number of NEPOOL GIS Certificates created by the aggregation; and
- (g) Confirmation and a description of how, no less frequently than quarterly, the Verifier will directly enter into the NEPOOL GIS the quantity of energy production in the applicable time period from each Generation Unit in the aggregation. The entry of generation data by the Verifier must be through an interface designated for this purpose by the NEPOOL GIS and in accordance with NEPOOL GIS Operating Rules applicable to Third-Party Meter Readers, and to which the Aggregation Owner shall not have access⁴.

D.3 Applicant must acknowledge that:

² Reasons for ruling that a Verifier is not sufficiently independent include, but are not limited to: i) If one entity owns, directly or indirectly, or if a natural person so owns, 10% or more of the voting stock or other equity interest in the other entity; ii) If 10% or more of the voting stock or other equity interests in both entities are owned, directly or indirectly, by the same entity or a natural person; or iii) If one entity is a natural person, and such entity or a member of such entity's immediate family is an officer, director, partner, employee or representative of the other entity.

At a minimum, these procedures will: i) require a determination by the Aggregation Owner that the Generation Unit is in compliance with these Renewable Energy Standard regulations and the Aggregation Agreement as approved by the Commission, and an independent determination by the Verifier that the Generation Unit exists; ii) require a meter reading procedure that allows the Verifier to read meters on the Generation Units; noter readings may be manual or remote and via the aggregators own system or via an independent system, but in all cases shall comply with NEPOOL GIS Operating Rules regarding metering; iii) require confirmation that Verifier will be entering the quantity of energy production in to the NEPOOL GIS system as described in paragraph (g) for NEPOOL GIS to create NEPOOL GIS Certificates; and OL GIS Certificates; and; iv) include a procedure for the Verifier to report to the Commission on the results of their verification process.

⁴ Such generation data shall not include any generation data from previous time periods, except as provided for in this section. Output of less than one MWh by any single Generation Unit within the aggregation may be applied to the entire aggregation's generation, and generation of the aggregation less than one full MWh may be applied to the subsequent quarter in accordance with NEPOOL GIS Operating Rules.

	(a)	any changes to or deviations from the Aggregation Agreement will be considered a change in generator status, and will require recertification by the Commission;
		□ ← please check this box to acknowledge this requirement
		□ N/A or other (please explain)
	(b)	the Commission will be promptly notified of any changes to or deviations from the Aggregation Agreement; and
		□ ← please check this box to acknowledge this requirement
		□ N/A or other (please explain)
	(c)	in the event that notice of such changes or deviations is not promptly given, all Generation Units in the aggregation may be de-certified.
		□ ← please check this box to acknowledge this requirement
		□ N/A or other (please explain)
D.4	Applic	eant must certify that:
	General Island Attribut part of	Generation Unit (or aggregation of generation units) is a Customer-sited or Off-grid ation Resource, as defined in Section 39-26-2.4 of the General Laws of Rhode and Section 3.26 of the RES Regulations, respectively, the associated Generation ates have not otherwise been, nor will be sold, retired, claimed or represented as f electrical energy output or sales, or used to satisfy obligations in jurisdictions than Rhode Island.
		□ ← please check this box to certify that this statement is true
		N/A or other (please explain)
		/ ————
/		

GIS Certification #:	GIS	Certi	ficat	tion	#:
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APPENDIX E (Revised 6/11/10)

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

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISION

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

Pursuant to the Renewable Energy Act Section 39-26-1 et. seq. of the General Laws of Rhode Island

Please complete the following and attach documentation, as necessary to support all responses: Please indicate in which Control Area adjacent to NEPOOL the Generation Unit is E.1 located: ☐ New York ☐ Hydro Quebec ☐ Maritimes (including Northern Maine Independent System Administrator) Applicant must provide to the Commission by July 1st of each year assurances that the E.2 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) Applicant must acknowledge and provide evidence to support that, in accordance with E.3 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.

Generati	abparagraph 5.1.(ii)(a), Applicant must verify that the energy produced by the on Unit is actually delivered into NEPOOL via "a unit-specific bilateral for the sale and delivery of such energy into NEPOOL".
ongoing delivery	ease check this box to acknowledge the requirement for Applicant to provide evidence of one or more unit-specific bilateral contract(s) for all energy into NEPOOL for which Applicant seeks RI RES certification, prior to 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:
	(attach more detail if the space provided is not sufficient)
	(unuan more usum n une spurypre viusu is net summenn)
□ N/A or o	other (please explain):
-	

GIS Certification #.

APPENDIX F

(Revised 6/11/10)

Eligible Biomass Fuel Source Plan

(Required of all Applicants Proposing to Use An Eligible Biomass Fuel)

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISION Part of Application for Certificate of Eligibility RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

Pursuant to the Renewable Energy Act/ Section 39-26-1 et. seq. of the General Laws of Rhode Island

Note to Applicants: Please refer to the RES Certification Filing Methodology Guide posted on the Commission's web site (www.ripuc.org/utilityinfo/res.html) for information, templates and suggestions regarding the types and levels of detail appropriate for responses to specific application items requested below. Also, please see Section 6.9 of the RES Regulations for additional details on specific requirements.

The phrase "Eligible Biomass Fuel" (per RES Regulations Section 3.7) means fuel sources including brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, slash, yard trimmings, site clearing waste, wood packaging, and other clean wood that is not mixed with other unsorted solid wastes⁵; agricultural waste, food and vegetative material; energy crops; landfill methane⁶ or biogas⁷, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas; or neat biodiesel and other neat liquid fuels that are derived from such fuel sources.

In determining if an Eligible Biomass Generation Unit shall be certified, the Commission will consider if the fuel source plan can reasonably be expected to ensure that only Eligible Biomass Fuels will be used, and in the case of co-firing ensure that only that proportion of generation attributable to an Eligible Biomass Fuel be eligible. Certification will not be granted to those Generation Units with fuel source plans the Commission deems inadequate for these purposes.

⁵ Generation Units using wood sources other than those listed above may make application, as part of the required fuel source plan described in Section 6.9 of the RES Regulations, for the Commission to approve a particular wood source as "clean wood." The burden will be on the applicant to demonstrate that the wood source is at least as clean as those listed in the legislation. Wood sources containing resins, glues, laminates, paints, preservatives, or other treatments that would combust or off-gas, or mixed with any other material that would burn, melt, or create other residue aside from wood ash, will not be approved as clean wood.

⁶ Landfill gas, which is an Eligible Biomass Fuel, means only that gas recovered from inside a landfill and resulting from the natural decomposition of waste, and that would otherwise be vented or flared as part of the landfill's normal operation if not used as a fuel source.

⁷ Gas resulting from the anaerobic digestion of sewage or manure is considered to be a type of biogas, and therefore an Eligible Biomass Fuel that has been fully separated from the waste stream.

	rating Units proposing to use an Eligible B lations).	iomass Fu	el (per S	Section 6.9	of RES		
F.1	The attached Fuel Source Plan includes a de Biomass Fuel to be used at the Generation Unit		ription of	the type	of Eligible		
	Detailed description attached? Comments:		☐ Yes	A No	□ N/A		
F.2	If the proposed fuel is "other clean wood," to further substantiation to demonstrate why the as those clean wood sources listed in the legisla	fuel source					
	Further substantiation attached? Comments:		☐ Yes	□ No	□ N/A		
F.3	In the case of co-firing with ineligible fuels, the Fuel Source Plan must include a description of (a) how such co-firing will occur; (b) how the relative amounts of Eligible Biomass Fuel and ineligible fuel will be measured; and (c) how the eligible portion of generation output will be calculated. Such calculations shall be based on the energy content of all of the proposed fuels used.						
	Description attached? Comments:			□ No			
F.4	The Fuel Source Plan must provide a descripensure that only the Eligible Biomass Fuel ar standard operating protocols or procedures the Unit, contracts with fuel suppliers, testing or sat	re used, exa at will be in	amples of mplement	which ma	y include:		
	Description provided? Comments:		☐ Yes	□ No	□ N/A		
F.5	Please include in the Fuel Source Plan an ack brought to the Generation Unit will only be eit used for co-firing and that Biomass Fuels not of premises of the certified Generation Unit. And that this statement is true.	ther Eligible deemed elig	e Biomass gible will	Fuels or to not be allo	fossil fuels wed at the		

This Appendix must be attached to the front of Applicant's Fuel Source Plan required for

	\Box \leftarrow check this b	ox to certify	that the a	bove state	nent is tr	ue		
	□ N/A or other (p	olease explai	n)					_
							-/	
such separa	e proposed fuel inclufuel meets the defation, storage, or han stent with the RES R	finition of ladling standa	Eligible E	Biomass F	uel and	also/n	neets	materia
Docu	mentation attached?				Yes	□ N	o	□ N/A
Comr	nents:	V.						
electr stream	states that Renewab icity must file quarte n used during the quarte found on the Comn ☐ ← check this b ☐ N/A or other (p	erly reports dearter. Instructions web	ue 60 day tions and site or car that the a	s after the filing documents of the furnish	end of eauments for ned upon ment is tr	ch quar r the qu request ue	ter oi arterl	n the fuel y reports
	e attach a copy orization.	of the Gene	eration U	nit's Val	id Air I	Permit	or e	quivalen
Valid	Air Permit or equiva	alent attached	d?		☐ Yes	□ N	0	□ N/A
	tive date of Valid Air	r Permit or e	quivalent	authorizat	ion:			
Effec	/, ,							

APPENDIX 1 NORTH HARTLAND BYPASS FLOW TURBINE RHODE ISLAND NEW RPS APPLICATION

SECTION II: Generation Unit Information, Fuels, Energy Resources and Technologies § 2.8

Docket No. 11-12-09 North Hartland LLC Qualification as a Connecticut Class I Renewable Energy Resource Dtd September 5, 2012

STATE OF CONNECTICUT



DOCKET NO. 11-12-09 APPLICATION OF NORTH HARTLAND, LLC FOR QUALIFICATION AS A CLASS | RENEWABLE ENERGY SOURCE

September 5, 2012

By the following Directors:

Arthur H. House John W. Betkoski, III

DECISION

DECISION

I. INTRODUCTION

A. SUMMARY

In this Decision, the Public Utilities Regulatory Authority determines that the North Hartland, LLC generating facility located in Hartland, Vermont qualifies as a Class I renewable energy source in any calendar quarter in which it demonstrates run-of-the-river operation. The Authority determines that the North Hartland, LLC qualifies as a Class I renewable energy source effective April 1, 2012, and assigns the facility Connecticut Renewable Portfolio Standard (RPS) Registration Number CT00488-11.

B. BACKGROUND OF THE PROCEEDING

By application received on December 16, 2011 (Application), North Hartland, LLC (NHL or Applicant) requested that the Public Utilities Regulatory Authority (Authority or PURA) determine that the North Hartland, LLC (NH) generation facility qualifies as a Class I renewable energy source.

C. CONDUCT OF THE PROCEEDING

There is no statutory requirement for a hearing, no person requested a hearing, and none was held.

D. PARTICIPANTS IN THE PROCEEDING

The Authority recognized North Hartland, LLC, 55 Union Street, 4th Floor, Boston, Massachusetts 02108; and the Office of Consumer Counsel, Ten Franklin Square, New Britain, Connecticut 06051, as participants in this proceeding.

II. AUTHORITY ANALYSIS

A. LEGAL STANDARDS

Pursuant to the General Statutes of Connecticut (Conn. Gen. Stat.) §16-1(a)(26), "Class I renewable energy source" includes energy derived from a run-of-the-river¹ hydropower facility provided such facility has a generating capacity of not more than five megawatts, does not cause an appreciable change in the river flow, and began operation after July 1, 2003.

In interpreting Conn. Gen. Stat. §16-1(a)(26), the Department determined that:

¹ "Run-of-the-river" and "run-of-river" are used interchangeably in the energy industry.

- (1) "Facility" refers to an entire hydroelectric plant at a single site rather than a turbine generating unit within a hydroelectric plant;
- (2) The "generating capacity of not more than five megawatts" refers to a hydroelectric facility's nameplate capacity, not its actual or average generation output;
- (3) In order to qualify as "run-of-the-river," a hydroelectric facility must show a current FERC license or exemption that requires the facility to operate in run-of-the-river mode. Hydroelectric facilities that are not regulated by FERC will be required to show a FERC order or a court decision stating that FERC has no jurisdiction, or has declined to exercise jurisdiction, over such facility. In such cases, the hydroelectric facility must show that its operation allows the river inflow to equal outflow instantaneously and therefore, does not cause an appreciable change in the river flow; and
- (4) "Began operations" means (a) the date an existing facility with generation began commercial operation as shown in documentation from FERC; (b) the new date given to an abandoned or destroyed facility that comes back into operation as shown in its documentation from FERC or as determined by the Department; (c) the date upon which a facility changes operation from store-and-release to run-of-the-river as shown in documentation from FERC; or (d) the new date that incremental generation is in operation at an existing facility as shown in its documentation from FERC.

See: Docket No. 04-02-07, <u>DPUC Declaratory Ruling Concerning "Run-of-the-River Hydropower" as That Term is Used in the Definitions of Class I and Class II Renewable Energy Source in C.G.S. §16-1(a)(26) &(27).</u>

B. AUTHORITY DETERMINATION

As provided in the Application, NH is a hydroelectric facility located at 721 US Route 5, Hartland, Vermont 05052. <u>Id.</u>, Section 1. NH is currently owned by NHL, began commercial operation on September 26, 2005, and has a nameplate capacity of four megawatts. <u>Id.</u> By letter dated January 10, 2012, NHL notified the Authority that the 137.3 kW bypass flow turbine, which was not in operation at the time the Application was filed, was put into service on January 9, 2012, for a total capacity of 4.1375 megawatts from the two turbines.

NH had been shutdown for more than eight years and effectively abandoned by the former owner, Vermont Electric Generation and Transmission Cooperative, Inc. (VEGT). Id., Section 2. NHL incurred costs to acquire the project from VEGT, retired preexisting project obligations in excess of the acquisition cost, and rehabilitated the project to achieve commercial operation. Id., Section 2.

A FERC license was issued to Vermont Electric Cooperative, Inc. (VEC) on November 24, 1981, and transferred to VEGT, a subsidiary of VEC, on May 5, 1983. Id., Section 2. It was in operation from 1985 through 1996 as a peaking facility at which time VEGT filed a petition under Chapter 7 of the U.S. Bankruptcy code. As part of the bankruptcy by VEGT, the project ceased operation in June 1996. Id.

On June 27, 2000, the FERC issued an order approving the transfer of the FERC license to NHL from VEGT. The former owners of NHL sold their interest to Concord Hydro Associates (CHA). CHA acquired ownership of NHL in early 2005. Id. NHL met the obligations for unpaid property taxes, unpaid regulatory fees and unpaid electrical bills. NHL has replaced the turbine's automation and control system, replaced several components of the interconnection equipment and the turbine and generator cooling system, modified the penstock, and repaired and/or replaced several service systems made necessary by deterioration during the eight-year shutdown of the facility. Id.

NHL states that the NH FERC license does not specifically state that the NH plant is a run-of-the-river facility; however, pursuant to a Memorandum of Understanding (MOU) with the U.S. Army Corps of Engineers, NHL has the authority to regulate the level of the lake, either at a constant level or at varying levels, provided that level is maintained within a specified range. <u>Id.</u>, Section 5, Appendix 5-1. NHL states that it has previously allowed the lake level to vary to optimize hydroelectric generation; however, market changes now provide an incentive for NHL to establish run-of-the-river operation rather than a peaking facility. <u>Id.</u>, Section 5.

NHL also states that it has installed a Programmable Logic Controller (PLC) at the facility. Id. The PLC regulates the water flow through the turbines by throttling the turbine gates. Id., Section 2. Additionally, NHL will set the PLC to maintain constant lake level as allowed by the MOU. Id., Section 5. When operated in this manner, the facility will automatically adjust flow through the turbines to match site outflow with inflow, to maintain constant lake level. Therefore, the Authority concludes that the NH facility has the necessary equipment to control the lake level to match inflows and outflows, which is the definition of run-of-the-river operation.

The Authority determines that the NH facility is a small hydroelectric facility with a capacity of less than five megawatts, and has the capability to operate as a run-of-the-river facility that began operation after July 1, 2003. Therefore, the NH facility qualifies as a Class I renewable energy resource.

The Authority further notes that the NH facility is not required to operate as a runof-the-river hydroelectric facility by FERC. Therefore, the Authority cannot rely on a facility license to ensure that the facility maintains run-of-the-river operations. In such instances, the Authority requires hydroelectric facilities to submit data demonstrating that the facility operated predominantly in run-of-the-river mode each calendar quarter.⁴ The Authority below orders NHL to provide quarterly operating data that supports its claim of run-of-the-river operations.

The Authority assigns each renewable generation source a unique Connecticut RPS registration number; and will assign the NH facility number CT00488-11.

² A PLC is a standard control device that monitors the level of the pond and enables automatic control of water flow through a hydroelectric facility.

³ Exceptions will occur during flood situations, which are expected to occur a small proportion of the time.

⁴ For example, the Decision dated March 26, 2009 in Docket No. 09-01-19, <u>Application of Summit Hydropower for Qualification of Wyre Wynd Hydroelectric Facility as a Class I Renewable Energy Source</u>.

III. FINDINGS OF FACT

- 1. NH is a hydroelectric facility located in Hartland, Vermont.
- 2. NH is currently owned by NHL.
- 3. There are two turbine generators at this facility, with a total rated nameplate capacity of 4.1375 megawatts.
- 4. NH began commercial operation on September 26, 2005.
- NHL provided a copy of a MOU from the U.S. Army Corps of Engineers demonstrating that NHL has the authority to operate the NH facility in run-of-theriver mode.
- NHL has installed the equipment necessary to operate the NH facility in the runof-the-river mode of operation.

IV. CONCLUSION AND ORDER

A. CONCLUSION

The NH facility qualifies as a Class I renewable generation facility pursuant to Conn. Gen. Stat. §16-1(a)(26). The Authority assigns each renewable generation source a unique Connecticut RPS registration number. The NH facility Connecticut RPS registration number is CT00488-11.

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

B. ORDER

1. Each calendar quarter, NHL shall provide operating data that demonstrates runof-the-river operation of the NH facility. NHL shall include, at a minimum, lake
level and unit electric output at an interval no less frequent than one
every eight hours. NHL should provide this data in graphical format for
review. For any periods during which the facility did not operate in run-of-theriver mode, NHL shall separately identify such periods and provide an
explanation why the facility did not operate in run-of-the-river mode. NHL shall
also submit an affidavit affirming that the facility operated in run-of-the-river mode
during that calendar quarter. The report is to be filed within 30 days following the
end of each calendar quarter: January 30, April 30, July 30 and October 30. JLB

2. NHL shall file, by the date indicated in the table below, the Quarterly Generation Report from the GIS system that shows the number of RECs created by NH on the Creation Date (as defined in Section 2.1(b) of the GIS Operating rules, as amended from time to time, for said quarter. The Authority will require a printed copy of the GIS System in order to be in compliance with this Order. The first report is due on November 15, 2012.

Class I Activity	GIS REC	Report
Calendar Quarter	Creation Date	Due Date
1(Jan 01-Mar 31)	July 15	August 15
2(Apr 01-Jun 30)	Oct 15	November 15
3(Jul 01-Sep 30)	Jan 15	February 15
4(Oct 01-Dec 31)	April 15	May 15

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to requirements of the Americans with Disabilities Act. Any person with a disability who may need information in an alternative format may contact the agency's ADA Coordinator at 860-424-3194, or at deep.hrmed@ct.gov. Any person with limited proficiency in English, who may need information in another language, may contact the agency's Title VI Coordinator at 860-424-3035, or at deep.aaoffice@ct.gov. Any person with a hearing impairment may call the State of Connecticut relay number – 711. Discrimination complaints may be filed with DEEP's Title VI Coordinator. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.

DOCKET NO. 11-12-09 APPLICATION OF NORTH HARTLAND, LLC FOR QUALIFICATION AS A CLASS I RENEWABLE ENERGY SOURCE

This Decision is adopted by the following Directors:

Arthur H. House

John W. Betkoski, III

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.

K. Santopieted

September 6, 2012

Date

Kimberley J. Santopietro Executive Secretary Department of Energy and Environmental Protection Public Utilities Regulatory Authority

APPENDIX 2 NORTH HARTLAND BYPASS FLOW TURBINE RHODE ISLAND NEW RPS APPLICATION

SECTION III: Commercial Operation Date § 3.1

January 2012 Metering Data showing the meter first spun after December 31, 1997

North Hartland Bypass Flow Turbine Daily Generation

21-Dec-11 0 22-Dec-11 0 23-Dec-11 0 24-Dec-11 0 25-Dec-11 0 26-Dec-11 0 26-Dec-11 0 27-Dec-11 0 28-Dec-11 0 29-Dec-11 0 30-Dec-11 0 31-Dec-11 0 31-Dec-11 0 31-Dec-11 0 31-Dec-11 0 01-Jan-12 0 02-Jan-12 0 04-Jan-12 0 06-Jan-12 0 09-Jan-12 0 09-Jan-12 1 09-Jan-12 2,072 11-Jan-12 2,087 12-Jan-12 2,088 14-Jan-12 2,088 14-Jan-12 2,088 14-Jan-12 1,112	Date	Sum Of Net Compensated kWh To CVPS
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