



October 24, 2016

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

RE: Request for Rhode Island Renewable Energy Credit Eligibility – Marble River, LLC

Dear Ms. Massaro:

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

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

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

Sincerely,

Brian Hayes
Executive Vice President, Asset Operations
EDP Renewables North America
Brian.Hayes@edpr.com

RIPUC Use Only

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

GIS Certification #:
_____**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.filings@puc.ri.gov.

- In addition to filing with the Commission, Applicants are required to send, electronically or electronically and in paper format, a copy of the completed Application including all attachments and supporting documentation, to the Division of Public Utilities and Carriers and to all interested parties. A list of interested parties can be obtained from the Commission's website at www.ripuc.org/utilityinfo/res.html.
- Keep a copy of the completed Application for your records.
- The Commission will notify the Authorized Representative if the Application is incomplete.
- Pursuant to Section 6.0 of the RES Regulations, the Commission shall provide a thirty (30) day period for public comment following posting of any administratively complete Application.
- Please note that all information submitted on or attached to the Application is considered to be a public record unless the Commission agrees to deem some portion of the application confidential after consideration under section 1.2(g) of the Commission's Rules of Practice and Procedure.
- In accordance with Section 6.2 of the RES Regulations, the Commission will provide prospective reviews for Applicants seeking a preliminary determination as to whether a facility would be eligible prior to the formal certification process described in Section 6.1 of the RES Regulations. Please note that space is provided on the Form for applicant to designate the type of review being requested.
- Questions related to this Renewable Energy Resources Eligibility Form should be submitted in writing, preferably via email and directed to: Luly E. Massaro, Commission Clerk at Res.filings@puc.ri.gov.



SECTION I: Identification Information

- 1.1 Name of Generation Unit (sufficient for full and unique identification):
Marble River, LLC
- 1.2 Type of Certification being requested (check one):
☒ Standard Certification ☐ Prospective Certification (Declaratory Judgment)
- 1.3 This Application includes: (Check all that apply)¹
- ☐ APPENDIX A: Authorized Representative Certification for Individual Owner or Operator
 - ☐ APPENDIX B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals
 - ☐ APPENDIX C: Existing Renewable Energy Resources
 - ☐ APPENDIX D: Special Provisions for Aggregators of Customer-sited or Off-grid Generation Facilities
 - ☒ APPENDIX E: Special Provisions for a Generation Unit Located in a Control Area Adjacent to NEPOOL
 - ☐ APPENDIX F: Fuel Source Plan for Eligible Biomass Fuels
- 1.4 Primary Contact Person name and title: Jeremy High, Asset Manager
- 1.5 Primary Contact Person address and contact information:
Address: 808 Travis Street, Suite 700, Houston, TX 77002
Phone: 713-265-0338 Fax: 713-265-0365
Email: Jeremy.High@edpr.com
- 1.6 Backup Contact Person name and title: Kate Goldsberry, Settlements Analyst
- 1.7 Backup Contact Person address and contact information:
Address: 808 Travis Street, Suite 700, Houston, TX 77002
Phone: 713-356-2521 Fax: 713-265-0365
Email: Kate.Goldsberry@edpr.com
- 1.8 Name and Title of Authorized Representative (*i.e.*, the individual responsible for certifying the accuracy of all information contained in this form and associated appendices, and whose signature will appear on the application):

Brian Hayes – Executive Vice President, Asset Operations

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

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.

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1.9 Authorized Representative address and contact information:

Address: 808 Travis Street, Suite 700, Houston, TX 77002

Phone: (713) 265-0350

Fax: 713-265-0365

Email: Brian.Hayes@edpr.com

1.10 Owner name and title: Marble River, LLC

1.11 Owner address and contact information:

Address: 174 State Route 189, Churubusco, NY 12923

Phone: 518-497-0033

Fax: 713-265-0365

Email: Jeremy.High@edpr.com

1.12 Owner business organization type (check one):

☐ Individual

☐ Partnership

☒ Corporation

☐ Other: _____

1.13 Operator name and title: Marble River, LLC

1.14 Operator address and contact information:

Address: 808 Travis Street, Suite 700, Houston, TX 77002

Phone: 713-265-0338

Fax: 713-265-0365

Email: Jeremy.High@edpr.com

1.15 Operator business organization type (check one):

☐ Individual

☐ Partnership

☒ Corporation

☐ Other: _____

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

- 2.1 ISO-NE Generation Unit Asset Identification Number or NEPOOL GIS Identification Number (either or both as applicable): ISO-NE # NY323696 NEPOOL #: 82230
- 2.2 Generation Unit Nameplate Capacity: 215.25 MW
- 2.3 Maximum Demonstrated Capacity: 215.25 MW
- 2.4 Please indicate which of the following Eligible Renewable Energy Resources are used by the Generation Unit: (Check ALL that apply) – *per RES Regulations Section 5.0*
- ☐ Direct solar radiation
 - ☒ The wind
 - ☐ Movement of or the latent heat of the ocean
 - ☐ The heat of the earth
 - ☐ Small hydro facilities
 - ☐ Biomass facilities using Eligible Biomass Fuels and maintaining compliance with all aspects of current air permits; Eligible Biomass Fuels may be co-fired with fossil fuels, provided that only the renewable energy fraction of production from multi-fuel facilities shall be considered eligible.
 - ☐ Biomass facilities using unlisted biomass fuel
 - ☐ Biomass facilities, multi-fueled or using fossil fuel co-firing
 - ☐ Fuel cells using a renewable resource referenced in this section
- 2.5 If the box checked in Section 2.4 above is “Small hydro facilities”, please certify that the facility’s aggregate capacity does not exceed 30 MW. – *per RES Regulations Section 3.32*
- ☐ ← check this box to certify that the above statement is true
- ☒ N/A or other (please explain) _____
-
- 2.6 If the box checked in Section 2.4 above is “Small hydro facilities”, please certify that the facility does not involve any new impoundment or diversion of water with an average salinity of twenty (20) parts per thousand or less. – *per RES Regulations Section 3.32*
- ☐ ← check this box to certify that the above statement is true
- ☒ N/A or other (please explain) _____
-
- 2.7 If you checked one of the Biomass facilities boxes in Section 2.4 above, please respond to the following:
- A. Please specify the fuel or fuels used or to be used in the Unit: N/A
- B. Please complete and attach Appendix F, Eligible Biomass Fuel Source Plan.
- Appendix F completed and attached? ☐ Yes ☐ No ☒ N/A
- 2.8 Has the Generation Unit been certified as a Renewable Energy Resource for eligibility in another state’s renewable portfolio standard?

☒ Yes ☐ No If yes, please attach a copy of that state's certifying order.

Copy of State's certifying order attached?

☒ Yes ☐ No ☐ N/A

SECTION III: Commercial Operation Date

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

3.1 Date Generation Unit first entered Commercial Operation: 11/1/2012.

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

Documentation attached?

☒ Yes ☐ No ☐ N/A

3.2 Is there an Existing Renewable Energy Resource located at the site of Generation Unit?

☐ Yes

☒ No

3.3 If the date entered in response to question 3.1 is earlier than December 31, 1997 or if you checked "Yes" in response to question 3.2 above, please complete Appendix C.

Appendix C completed and attached?

☐ Yes ☐ No ☒ N/A

3.4 Was all or any part of the Generation Unit used on or before December 31, 1997 to generate electricity at any other site?

☐ Yes

☒ No

3.5 If you checked "Yes" to question 3.4 above, please specify the power production equipment used and the address where such power production equipment produced electricity (attach more detail if the space provided is not sufficient):

SECTION IV: Metering

4.1 Please indicate how the Generation Unit's electrical energy output is verified (check all that apply):

☐ ISO-NE Market Settlement System

☒ Self-reported to the NEPOOL GIS Administrator

☐ Other (please specify below and see Appendix D: Eligibility for Aggregations):



Appendix D completed and attached?

☐ Yes ☐ No ☒ N/A

SECTION V: Location

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

- ☒ Grid Connected Generation
- ☐ Off-Grid Generation (not connected to a utility transmission or distribution system)
- ☐ Customer Sited Generation (interconnected on the end-use customer side of the retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer)

5.2 Generation Unit address: 174 State Route 189, Churubusco, NY 12923

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

- A. Universal Transverse Mercator Coordinates:
x: 584393.6307082861 y: 4976917.794329207, Zone 18 North Hem.
- B. Longitude/Latitude: -73.9303260/44.9406850

5.4 The Generation Unit located: (please check the appropriate box)

- ☐ In the NEPOOL control area
- ☒ In a control area adjacent to the NEPOOL control area
- ☐ In a control area other than NEPOOL which is not adjacent to the NEPOOL control area *← If you checked this box, then the generator does not qualify for the RI RES – therefore, please do not complete/submit this form.*

5.5 If you checked "In a control area adjacent to the NEPOOL control area" in Section 5.4 above, please complete Appendix E.

Appendix E completed and attached?

☒ Yes ☐ No ☐ N/A

SECTION VI: Certification

- 6.1 Please attach documentation, using one of the applicable forms below, demonstrating the authority of the Authorized Representative indicated in Section 1.8 to certify and submit this Application.

Corporations

If the Owner or Operator is a corporation, the Authorized Representative shall provide **either**:

- (a) Evidence of a board of directors vote granting authority to the Authorized Representative to execute the Renewable Energy Resources Eligibility Form, **or**
- (b) A certification from the Corporate Clerk or Secretary of the Corporation that the Authorized Representative is authorized to execute the Renewable Energy Resources Eligibility Form or is otherwise authorized to legally bind the corporation in like matters.

Evidence of Board Vote provided?

☐ Yes ☐ No ☒ N/A

Corporate Certification provided?

☒ Yes ☐ No ☐ N/A

Individuals

If the Owner or Operator is an individual, that individual shall complete and attach APPENDIX A, or a similar form of certification from the Owner or Operator, duly notarized, that certifies that the Authorized Representative has authority to execute the Renewable Energy Resources Eligibility Form.

Appendix A completed and attached?

☐ Yes ☐ No ☒ N/A

Non-Corporate Entities

(Proprietorships, Partnerships, Cooperatives, etc.) If the Owner or Operator is not an individual or a corporation, it shall complete and attach APPENDIX B or execute a resolution indicating that the Authorized Representative named in Section 1.8 has authority to execute the Renewable Energy Resources Eligibility Form or to otherwise legally bind the non-corporate entity in like matters.

Appendix B completed and attached?

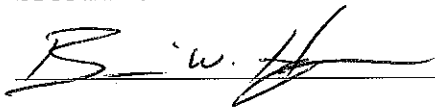
☐ Yes ☐ No ☒ N/A

6.2 Authorized Representative Certification and Signature:

I hereby certify, under pains and penalties of perjury, that I have personally examined and am familiar with the information submitted herein and based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties, both civil and criminal, for submitting false information, including possible fines and punishment. My signature below certifies all information submitted on this Renewable Energy Resources Eligibility Form. The Renewable Energy Resources Eligibility Form includes the Standard Application Form and all required Appendices and attachments. I acknowledge that the Generation Unit is obligated to and will notify the Commission promptly in the event of a change in a generator's eligibility status (including, without limitation, the status of the air permits) and that when and if, in the Commission's opinion, after due consideration, there is a material change in the characteristics of a Generation Unit or its fuel stream that could alter its eligibility, such Generation Unit must be re-certified in accordance with Section 9.0 of the RES Regulations. I further acknowledge that the Generation Unit is obligated to and will file such quarterly or other reports as required by the Regulations and the Commission in its certification order. I understand that the Generation Unit will be immediately de-certified if it fails to file such reports.

Signature of Authorized Representative:

SIGNATURE:



DATE:

10/24/2016

Brian Hayes, Executive Vice President, Asset Operations



APPENDIX E
(Revised 6/11/10)**(Required of all Applicants Located in a Control Area Adjacent to NEPOOL)****STATE OF RHODE ISLAND**
PUBLIC UTILITIES COMMISSION**RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM****Pursuant to the Renewable Energy Act**
Section 39-26-1 et. seq. of the General Laws of Rhode Island

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

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

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

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

- ☒ ← please check this box to acknowledge this requirement
☐ N/A or other (please explain) _____

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

- ☒ ← please check this box to acknowledge this requirement.

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

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

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

Contract between Marble River, LLC and Exelon Generation Company, LLC (formerly Constellation) for physical energy purchased at the New York Sandy Pond Interface and delivered to the New England Interface – Roseton Hub.

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

☐ N/A or other (please explain): _____

Attachment 1

Renewable Portfolio Standard approvals for Marble River, LLC
for Maine, Connecticut, and Massachusetts

Question 2.8

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2016-00155

September 20, 2016

EDP Renewables North America, LLC
Request for Approval for Certification for RPS
Eligibility for Marble River LLC Pertaining to
EDP Renewables North America LLC

ORDER GRANTING NEW
RENEWABLE RESOURCE
CERTIFICATION

VANNOY, Chairman; MCLEAN and WILLIAMSON, Commissioners

I. SUMMARY

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

II. BACKGROUND

A. New Renewable Resource Portfolio Requirement

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

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

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). The Act did not modify this 30% requirement.

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

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

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

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

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

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

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

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

B. Petition for Certification

In its July 6, 2016 petition, Marble River, LLC requested that the Facility be certified as a Class I new renewable resource as a renewable project with an in-service date after September 1, 2005. According to the petition, the 212.25 MW Facility is fueled entirely by wind and has a commercial operations date of November 1, 2012. Further, the Facility is currently certified as RPS eligible in Connecticut and Massachusetts.

III. **DECISION**

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

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

Dated at Hallowell, Maine, this 20th day of September, 2016.

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


Faith Huntington

NOTICE OF RIGHTS TO REVIEW OR APPEAL

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

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within 20 days from the date of filing is denied.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

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



STATE OF CONNECTICUT

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
PUBLIC UTILITIES REGULATORY AUTHORITY
TEN FRANKLIN SQUARE
NEW BRITAIN, CT 06051

DOCKET NO. 12-12-04 APPLICATION OF MARBLE RIVER, LLC FOR
QUALIFICATION OF MARBLE RIVER, LLC AS A CLASS I
RENEWABLE ENERGY SOURCE

February 13, 2013

By the following Directors:

Michael A. Caron
John W. Betkoski, III
Arthur H. House

DECISION

I. INTRODUCTION

A. SUMMARY

In this Decision, the Public Utilities Regulatory Authority determines that Marble River, LLC qualifies as a Class I renewable energy source as a wind power facility effective November 1, 2012, and assigns it Connecticut Renewable Portfolio Standard (RPS) Registration No. CT00519-12.

B. BACKGROUND OF THE PROCEEDING

By application submitted December 6, 2012 (Application), Marble River, LLC (River or Applicant) requested that the Public Utilities Regulatory Authority (Authority or PURA) determine that Marble River, LLC (Marble) 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 Marble River, LLC, 808 Travis Street, Suite 700, Houston, Texas 77002; and the Office of Consumer Counsel, Ten Franklin Square, New Britain, Connecticut 06051, as participants in this proceeding.

II. AUTHORITY ANALYSIS

Pursuant to §16-1(a) (26) of the General Statutes of Connecticut (Conn. Gen. Stat.), "Class I renewable energy source" includes energy derived from a wind power facility. As provided in the Application, Marble is a wind power facility located at 174 State Route 189, Churubusco, New York and is currently owned by River. Application, p. 1. Marble is registered in the New England Power Pool Generation Information System (NEPOOL GIS) as a wind facility with Identification No. 82230. Marble has a rated capacity of 215.25 megawatts (MW) and its commercial operation date is November 1, 2012. Application, p. 2.

Under Conn Gen. Stat. §16-245a(b), a company may satisfy the Connecticut renewable energy portfolio standards by purchasing certificates issued by the NEPOOL GIS if the certificates are for energy generated in or imported into the control area of the regional independent system operator pursuant to NEPOOL GIS Rule 2.7(c), as in effect on January 1, 2006. Marble is located in New York, which is within the control area of the regional independent system operator.

The Authority concludes that the Marble facility qualifies as a Class I renewable energy source pursuant to Conn. Gen. Stat. §16-1(a)(26).

III. FINDINGS OF FACT

1. Marble is a wind power facility located in Churubusco, New York.
2. Marble is currently owned by River.
3. Marble's NEPOOL GIS Identification No. is 82230.
4. Marble has a rated capacity of 215.25 MW.

5. Marble began commercial operation on November 1, 2012.

IV. CONCLUSION AND ORDER

A. CONCLUSION

Marble qualifies as a Class I renewable energy source pursuant to Conn. Gen. Stat. § 16-1(a)(26), effective November 1, 2012. The Authority assigns each renewable generation source a unique Connecticut RPS registration number and Marble's Connecticut RPS registration number is CT00519-12.

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

B. ORDER

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

- River shall file, by the date indicated in the table below, the Quarterly Generation Report from the GIS system that shows the number of renewable energy certificates created by Marble 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 first report is due on May 15, 2013.

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

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. 12-12-04 APPLICATION OF MARBLE RIVER, LLC FOR
QUALIFICATION OF MARBLE RIVER, LLC AS A CLASS I
RENEWABLE ENERGY SOURCE

This Decision is adopted by the following Directors:

Michael A. Caron

John W. Betkoski, III

Arthur H. House

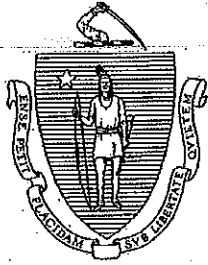
CERTIFICATE OF SERVICE

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



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

February 15, 2013
Date



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

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Richard K. Sullivan, Jr.
Secretary

Mark D. Sylvia
Commissioner

January 4, 2013

Brian Hayes
Executive Vice President, Asset Operations
Marble River, LLC
808 Travis Street Suite 700
Houston, TX 77002

RE: RPS Class I Eligibility Decision
Marble River LLC
215.25 MW in Churbusco, New York (WD-1239-12)

Dear Mr. Hayes,

On behalf of the Department of Energy Resources (the Department), I am pleased to inform you that the Statement of Qualification Application for the Marble River, LLC pursuant to the Massachusetts Renewable Energy Portfolio Standard (RPS) – Class I Regulations is hereby approved. The Department finds that the Generation Unit meets the requirements for eligibility as an RPS Class I Renewable Generation Unit 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#). The MA RPS Class I ID# stated on the Statement of Qualification must be included in all correspondence with the Department. The Marble River, LLC's MA RPS Class I ID# is **WD-1239-12**. The Department calls your particular attention to provisions numbered one through three of the Statement of Qualification. Those apply to all Units that export their electricity to the ISO New England Control Area from adjacent control areas. Note the reporting requirements contained in those provisions. The "attestation" required under provision three is enclosed herewith.

In addition, the Department calls your attention to provision number four, a Capacity Commitment provision that applies to all Generation Units pursuant to 225 CMR 14.05(1)(e)1. This means that, if any portion of the capacity of the Unit becomes committed to the New York ICAP for a certain period of time, the percentage of the output of the Unit attributable to that

portion of the capacity during that period cannot be exported to ISO-NE and claimed as RPS Class I Renewable Generation. You must inform DOER whenever any portion of the Capacity of the Unit is committed to NY ICAP and the terms of such commitment.

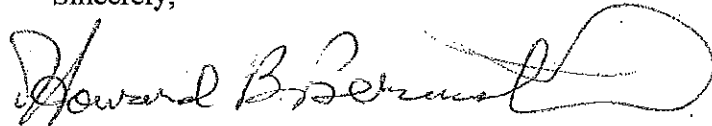
The Department wishes to remind you of the notification requirements for changes in eligibility status contained in 225 CMR 14.06(3) and for changes in capacity, contact information, and identity of the Owner or Operator contained in 225 CMR 14.06(6). The Owner or Operator of the Generation Unit shall notify the Department of such changes no later than five days following the end of the month during which such changes were implemented.

Finally, the Department wishes to remind you to be cognizant of and attentive to the Operating Rules and the emissions and other 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 GIS certificates.

I apologize that we did not provide before now this written Statement of Qualification, even though the Unit has been validly and appropriately generating Class I Renewable Energy Certificates at the GIS since the RPS Effective Date of September 20, 2012.

If you have any questions or concerns about the Statement of Qualification or any aspect of the RPS program, please contact Howard Bernstein, RPS Program Manager, at the Department's address, or (617) 626-7355, or howard.bernstein@state.ma.us.

Sincerely,

A handwritten signature in dark ink, appearing to read "Howard B. Bernstein", with a large, stylized loop at the end of the signature.

Howard B. Bernstein
RPS Program Manager

Encl: Statement of Qualification
Attestation form

**Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
DEPARTMENT OF ENERGY RESOURCES**

STATEMENT OF QUALIFICATION

**Pursuant to the Renewable Energy Portfolio Standard – Class I
225 CMR 14.00**

This Statement of Qualification from the Massachusetts Department of Energy Resources (DOER or the Department), which was granted and effective on October 1, 2012, signifies that the Generation Unit identified below, as described in a Statement of Qualification Application dated June 29, 2012 (SQA ID # 11227), meets the requirements for eligibility as an RPS Class I Renewable Generation Unit, pursuant to the Renewable Energy Portfolio Standard – Class I, 225 CMR 14.05. Therefore, this Generation Unit is duly qualified as an RPS Class I Renewable Generation Unit, with an RPS Effective Date of **September 20, 2012**.

Generation Unit Name, Capacity,
and Location:

**Marble River, LLC
215.25 MW
Churubusco, Clinton County, New York**

Authorized Representative's
Name and Address:

**Brian Hayes
Executive Vice President, Asset Operations
Marble River, LLC
808 Travis Street Suite 700
Houston, TX 77002**

This RPS Class I Renewable Generation Unit is assigned a unique Massachusetts RPS Identification Number, listed below. Please include the ID number on all correspondence with DOER.

MA RPS Class I ID #: WD-1239-12

This Unit's NEPOOL GIS Identification Number is **IMP-82230**.

Qualification of this Generation Unit is subject to the following provisions based on 225 CMR 14.05(5):

1. The Generation Unit Owner, Operator, or authorized agent shall provide to the Division by July 1st of each year a certification that the Generation Unit's New Renewable Generation Attributes used for compliance with the Massachusetts RPS Class I during the previous Compliance Year have not otherwise been, nor will be, sold, retired, claimed or represented as part of electricity output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.
2. The portion of the total electrical energy output that qualifies as RPS Class I Renewable Generation in a given time period shall meet the requirements in Rule 2.7(c) and all other relevant sections of the NEPOOL GIS Operating Rules, or any successor rule; and the Generation Unit Owner, Operator, or authorized agent must provide documentation, satisfactory to the Division, that:
 - a. the electrical energy was delivered to and settled in the ISO-NE Settlement Market System pursuant to a Legal Obligation that was executed between the Generation Unit Owner or Operator and an electrical energy purchaser located in the

ISO-NE Control Area for delivery of the Unit's electrical energy to the ISO-NE Control Area, including provisions for obtaining associated transmission rights for delivery of the Unit's electrical energy from the Unit to the ISO-NE Control Area.

b. the Generation Unit produced, during each hour of the applicable month, the quantity of MWhs claimed, as verified by the NEPOOL GIS administrator; if the originating Control Area employs a Generation Information System that is comparable to the NEPOOL GIS, such system may be used to support such documentation;

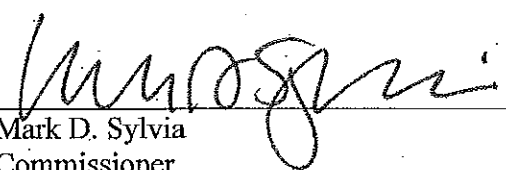
c. the electrical energy delivered under the Legal Obligation received a NERC Tag confirming transmission from the originating Control Area to the ISO-NE Control Area; and

d. the New Renewable Generation Attributes have not otherwise been, nor will be, sold, retired, claimed, used or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

3. Pursuant to 225 CMR 14.05(5)(d), the Generation Unit Owner or Operator must provide to the Department, an attestation in a form to be provided by the Department that it has not engaged, and from the date of the attestation will not itself or through any affiliate or other contracted party engage, in the process of importing RPS Class I Renewable Generation into the ISO-NE Control Area for the creation of RPS Class I Renewable GIS Certificates, and then exporting that energy or a similar quantity of other energy out of the ISO-NE Control Area during the same hour.

4. Pursuant to 225 CMR 14.05(1)(e)1, the amount of the generation capacity of the Generation Unit whose electrical energy output is claimed as RPS Class I Renewable Generation shall not be committed to any Control Area other than the ISO-NE Control Area.

The Qualification of this Generation Unit is subject to all other applicable provisions in 225 CMR 14.00, including but not limited to the following: pursuant to 225 CMR 14.06(5) and (6), the Owner or Operator of the Unit is obligated to notify DOER of any changes in the characteristics of the Unit that could affect its eligibility status, as well as any changes in the Unit's ownership, generation capacity, or contact information. DOER may suspend or revoke this Statement of Qualification if the Owner or Operator fails to comply with 225 CMR 14.00, including the provisions of this Statement of Qualification.



Mark D. Sylvia
Commissioner
Department of Energy Resources

Date: January 4, 2013

Attachment 2

Check Meter Data

Question 3.1

DateTime	MWh_Del	MWh_Received	MVar_Delivered	MVar_Received
11/1/2012 2:00	1.881435974	0	10.9691355	0
11/1/2012 5:00	0	1.035215256	10.677573	0
11/1/2012 7:00	0.106066818	0.905296013	10.65220532	0
11/1/2012 12:00	22.28576855	0	10.58162622	0
11/1/2012 13:00	18.60086133	0	10.69463892	0
11/1/2012 15:00	26.05245117	0	10.19547119	0
11/1/2012 18:00	39.99132813	0	9.190221436	0
11/2/2012 0:00	52.20294922	0	8.257282227	0
11/2/2012 3:00	36.17762109	0	9.818419922	0
11/2/2012 10:00	74.48272656	0	4.216908569	0
11/2/2012 16:00	86.83335156	0	2.112414841	0.084423792
11/2/2012 21:00	98.27128906	0	0.293093433	0.460277504
11/3/2012 4:00	135.4867324	0	0	10.77122876
11/3/2012 9:00	100.1969219	0	0.086631531	0.972007217
11/3/2012 11:00	91.20239453	0	1.102219315	0.020739465
11/3/2012 17:00	139.4897852	0	0	11.66276904
11/3/2012 19:00	142.1064492	0	0	12.97230005
11/4/2012 2:00	121.3397676	0	0	5.801016113
11/4/2012 5:00	86.68411719	0	2.587635193	0
11/4/2012 7:00	100.9661621	0	0.237281979	0.772811401
11/4/2012 12:00	68.64974023	0	5.307195068	0
11/4/2012 13:00	63.93713184	0	6.129685669	0
11/4/2012 18:00	53.83396191	0	11.26674976	0
11/4/2012 20:00	34.44007666	0	9.731765869	0
11/5/2012 0:00	9.265273682	0	11.007823	0
11/5/2012 1:00	8.937674561	0	11.02269434	0
11/5/2012 2:00	11.84748267	0	10.9681687	0
11/5/2012 16:00	36.50270703	0	9.514046631	0
11/5/2012 17:00	43.76862988	0	8.772625244	0
11/5/2012 18:00	47.09127344	0	8.330843994	0
11/5/2012 22:00	31.38255078	0	10.10319434	0
11/5/2012 23:00	38.49456445	0	9.586882324	0

Attachment 3

Corporate Certification


Question 6.1.b

SECRETARY'S CERTIFICATE

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

Pursuant to Section 6.1 of the Renewable Energy Resources Eligibility Form being submitted concurrently herewith by the Company to the State of Rhode Island Public Utilities Commission (the "Application"), the undersigned further certifies that Brian Hayes is the Executive Vice President, Asset Operations of the Company and is authorized to execute and deliver the Application on behalf of the Company.

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



Leslie A. Freiman, Secretary