

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

IN RE: APPLICATION FOR CERTIFICATION AS :DOCKET NO. 4695  
ELIGIBLE RENEWABLE ENERGY RESOURCE FILED BY :  
ORBIT ENERGY RHODE ISLAND, LLC – NEW GENERATION:

ORDER

WHEREAS, On April 10, 2016, Orbit Energy Rhode Island, LLC<sup>1</sup> (Company) filed with the Rhode Island Public Utilities Commission (PUC) an application seeking certification for its Orbit Energy Rhode Island, LLC Generation Unit, a 3.2 MW Eligible Biomass Energy Generation Unit located in Johnston, Rhode Island as an eligible New Renewable Energy Resource in accordance with the PUC's Rules and Regulations Governing the Implementation of a Renewable Energy Standard (RES Regulations) and R.I. Gen. Laws § 39-26-1; and

WHEREAS, Pursuant to Section 6.0 and other relevant Sections of the RES Regulations, a thirty-day period for public comment was provided, during which time no such comments were received; and

WHEREAS, After examination, the PUC is of the opinion that the application, including said supplemental information, is proper, reasonable, and in compliance with the RES Regulations and hereby grants the Company conditional certification as an eligible renewable energy resource pursuant to the R. I. Gen. Laws § 39-26-1; and

WHEREAS, The PUC's determination in this docket is based on the information submitted by the Company and the PUC may reverse its ruling or revoke the Company's

---

<sup>1</sup> The authorized representative was identified as John Fosina, Chief Financial Officer, York Capital Management, 767 Fifth Ave, 17<sup>th</sup> Floor, New York, NY 10153; Phone: (212) 300-1300 Email: [jfosina@yorkcapital.com](mailto:jfosina@yorkcapital.com).

certification if any material information provided by the Company proves to be false or misleading.

Accordingly, it is

(22804) ORDERED:

1) The Orbit Energy Rhode Island, LLC Generation Unit meets the requirements for eligibility as a New, Eligible Biomass Renewable Energy Resource with its 3.2 MW, Grid-Connected Generation Unit having a Commercial Operation Date not yet reached and located within the NEPOOL control area in Johnston, Rhode Island.

2) As a Generation Unit that has not yet achieved Commercial Operation, eligibility is granted with a conditional requirement that the Company provide the PUC with written documentation verifying Commercial Operation and that the Company provide evidence of the Generation Unit's NEPOOL-GIS Asset Identification Number, including Market Settlement System (MSS) designation, when assigned by NEPOOL following achievement of Commercial Operation.

3) Following receipt from the Company of acceptable written documentation supporting the Generation Unit's Commercial Operation Date, PUC staff is hereby authorized to assign a unique Rhode Island Public Utilities Commission Eligible Renewable Energy Resource Facility Certification Number for the Company's Generation Unit.

4) The facility's Renewable Energy Certificates (RECs) become Rhode Island-eligible effective on the first day that the Rhode Island certification number is issued. All RECs associated with the production of eligible energy that are minted on or after the Effective Date are eligible for the RES.

5) Although the PUC will rely upon the NEPOOL GIS for verification of production of energy from the Company's Generation Unit certified as eligible in this Order, the Company will provide information and access as necessary to the PUC, or persons acting at its behest, to conduct audits or site visits to assist in verification of continued eligibility for and compliance with Rhode Island RES Certification at any time at the PUC's discretion.

6) The Company shall notify the PUC in the event of a change in the facility's eligibility status.

EFFECTIVE AT WARWICK, RHODE ISLAND ON MAY 25, 2017  
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED  
MAY 25, 2017.

PUBLIC UTILITIES COMMISSION



  
Margaret E. Curran, Chairperson

  
Marion S. Gold, Commissioner

  
Herbert F. DeSimone, Commissioner

**Notice of Right of Appeal:** Pursuant to R.I. Gen. Laws § 39-5-1, any person aggrieved by a decision or order of the PUC may, within 7 days from the date of the Order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or Order.