

# THE STATE of NEW HAMPSHIRE

## Public Utilities Commission

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*Facility Application to qualify for Class III certificate acquisition under PUC 2500 of the New Hampshire Electric Renewable Portfolio Standard*

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### SECTION I: IDENTIFICATION INFORMATION

- (1). Name and Address of Applicant:

Conservation Services Group  
Patricia Stanton  
40 Washington Street  
Westborough MA, 01581  
Phone: 508-836-9500  
Fax: 508-836-3181  
Email: [pat.stanton@csgrp.com](mailto:pat.stanton@csgrp.com)  
With a copy to Stephanie Hamilton: [stephanie.hamilton@csgrp.com](mailto:stephanie.hamilton@csgrp.com)

- (2) Name of Facility Owner:  
Seneca Energy II, LLC  
Scott Henningham (CFO)  
2999 Judge Road  
Oakfield, NY, 14125

- (3). Name and Location of the applying Facility:  
Ontario, 3555 Post Farm Road, Stanley, NY 14561
- 

- (4). ISO-New England Asset Identification number:  
IMP: 32561

(5). GIS Facility Code:

IMP: 32561

(6) Name and Telephone number of the Facility's operator, If different from the owner:

Innovative Energy Systems

Scott Henningham (CFO)

2999 Judge Road, Oakfield, NY 14125

Phone: (585) 948-8580

Fax: (585)948-8584

## **SECTION II: FACILITY AND FUEL DESCRIPTION**

(1). Fuel Type:

Landfill Gas

Gross Nameplate Generation Capacity:

5.6 MW

Initial Commercial Operation date:

October 2003

Actual Facility Operation date, if different from Initial Commercial Operation date:

\_\_\_\_\_

(2) If a Biomass source provide –

NOx and particulate matter emission rates:

\_\_\_\_\_

Description of pollution control equipment:

\_\_\_\_\_

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**Or** proposed practices for compliance with such requirements:

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(3) Description of how the generation facility is connected to the distribution utility:

Ties into 4.16 kV bus and interconnects to NYSEG 34.5 electrical system

(4) Is the Facility's output verified by ISO-New England? If not explain how the output is verified:

Yes \_\_\_\_\_

(5) Description of how the facility's output is reported to the GIS **if not** verified by ISO-New England:

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**SECTION III: CERTIFICATIONS**

(1). List all other non-federal jurisdiction's renewable portfolio standards the facility has been certified under, if any, **AND** attach proof thereof:

Massachusetts

Connecticut

Maryland

Rhode Island

**SECTION IV: REGULATORY COMPLIANCE DOCUMENTATION**

(1). List all applicable regulatory approvals and permits:

Facility	Permit	Approval/ Permit Issued	Permit Description
Ontario	Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI)	5/1/2003	This SWPPP was prepared for the construction of the Ontario County LFGTE Facility.
Ontario	Title V	6/22/2005	Air Permit
Ontario	Chemical Bulk Storage Certificate	8/13/2007	Tanks 004 and 005 These two tanks have a capacity of 1,000 gallons and store ethylene glycol (chemical abstract # 107-21-1).
Ontario	Petroleum Bulk Storage Certificate	8/18/2003	Tanks 001 and 002 Tank 001 is a 8,000 gallon lube oil tank Tank 002 is a 2,000 used oil tank
Ontario	SEQR Short Environmental Assessment Form (EAF) and Negative Declaration	3/10/2005	This short EAF was prepared for the expansion at Ontario to increase the number of engines from four to eight.

- (2). Confirm whether applicant has an approved interconnection study on file (provide copy) with the commission **or** is a party to a current effective interconnection agreement, **or** is otherwise not required to undertake an interconnection study (explain):

  Please see attached proof of interconnection agreement  

- (3) **If** a biomass facility, has a copy of the completed application been filed with the New Hampshire department of environmental services (please attach documentation). (Check either "Yes" or "No")

YES

NO

## SECTION V: ADDITIONAL INFORMATION

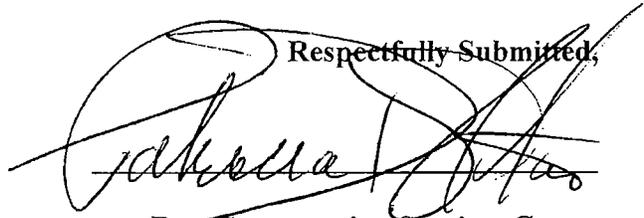
The Applicant may choose to provide in the space provided or through attached document(s), additional information to assist in classification of the generating facility. If document(s) are attached, provide a descriptive list below:

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## SECTION VI: APPLICATION DOCUMENTATION CHECKLIST

- A copy of an approved interconnection study on file with the commission or an agreement or statement and proof of exemption is attached.
- Proof the facility is certified under a non-federal jurisdiction's renewable portfolio standard.
- Attached is an affidavit signed and executed by the owner attesting to the accuracy of the contents of this application.

Respectfully Submitted,



By: Conservation Services Group  
Patricia Stanton  
Vice President, Clean Energy Markets  
40 Washington Street  
Westborough MA 01581

## General Affidavit under Oath

I, Scott A. Henningham ("Declarant"),

CFO (position) of, Seneca Energy II, LLC, incorporated

in the State of New York, do hereby certify, swear or affirm, and declare that I am competent to give the following declaration. I have reviewed each section of the Ontario Landfill Gas Facility application and based on my personal knowledge hereby state the facts contained within the New Hampshire facility application for certificate acquisition submitted on my behalf are true and correct to the best of my knowledge.

WITNESS my signature this 4th day of August/2008 (month/year).

Scott A. Henningham  
Signature of Declarant

**Certification of Authorized Representative**

August 1, 2008  
Debra A. Howland  
Executive Director & Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

I, Scott A. Henningham, CFO of Seneca Energy II, LLC.,  
certify that Patricia Stanton, the Vice President of Clean Energy Markets of Conservation  
Services Group, Inc. is authorized to execute and submit the New Hampshire Electric  
Renewable Portfolio Standard Application for the Ontario Landfill Gas Facility, pursuant  
to Chapter PUC 2500.

Signature:

Scott A. Henningham  
Seneca Energy II, LLC.

Date:

8/4/08

LAW OFFICES OF  
HUBER LAWRENCE & ABELL

605 THIRD AVENUE  
NEW YORK, N. Y. 10158

TELEPHONE  
(212) 682-6200

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1001 G STREET, N.W.  
WASHINGTON, D.C. 20001  
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ANDREW S. ANTINORI  
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KATHERINE W. CONSTAN  
SERENA C. DIGNAN  
THEODORE F. DUVER  
DAVID H. HARRISON  
JOHN R. MATSON, III\*  
ROSA PIETANZA  
ERIC W. NELSEN  
JILLALLISON WEINER  
\*NOT ADMITTED IN NEW YORK

LEONARD BLUM  
TARAS G. BORKOWSKY  
DANIEL S. BROWN  
STUART A. CAPLAN  
WILLIAM J. CRONIN  
AMY A. DAVIS  
SETH A. DAVIS  
JOHN D. DRAGHI  
NICHOLAS A. GIANNASCA  
BARBARA S. JOST\*  
FRANK LEE  
RICHARD M. LORENZO  
FRANK J. MILLER  
JONATHAN D. SCHNEIDER

NORMAN ABELL  
SUSAN MIKES DOHERTY  
ROBERT G. GRASSI  
HOWARD M. SCHMERTZ  
JOHN TROJANOWSKI  
HEIDI WERTZ\*  
COUNSEL

November 7, 2003

**VIA HAND DELIVERY**

Honorable Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

RE: New York State Electric & Gas Corporation; Docket No. ER04-9-000

Dear Secretary Salas:

Pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d (2000), and Part 35 of the regulations of the Federal Energy Regulatory Commission ("Commission"), 18 C.F.R. § 35 (2002), on October 2, 2003, New York State Electric & Gas Corporation ("NYSEG") tendered for filing an executed interconnection agreement, dated as of September 16, 2003 (the "IA"), with Seneca Energy II, LLC ("Seneca") (NYSEG and Seneca, together, the "Parties"). The IA set forth the terms and conditions governing the interconnection between Seneca's Ontario County Landfill 3.2 MW generating plant and appurtenant facilities located in Ontario County, NY (the "Plant") and NYSEG's transmission system. We were subsequently contacted by FERC staff and advised to amend the IA to include a provision governing the disclosure of confidential information to FERC and its staff, and a one-line diagram of the interconnection and associated facilities.

By this filing, NYSEG submits a fully executed Substitute Original Service Agreement No. 327 (the "Substitute IA"). Consistent with instructions from FERC staff, the Substitute IA includes a new Section 7.5, which governs the disclosure of confidential information to FERC and its staff, and a one-line diagram as Schedule E. No other substantive changes were made. NYSEG respectfully requests (i) that the Commission grant the waivers necessary to accept this filing and make it effective as of September 16, 2003 (the effective date originally requested for the IA) and (ii) that the Commission accept the Substitute IA for filing without modification or condition.

Magalie R. Salas  
November 7, 2003  
Page 2

## **I. Background**

NYSEG is an electric transmission and distribution utility organized and operating under the laws of the State of New York. NYSEG services retail customers in Western, Central, and Northern New York, as well as wholesale customers throughout the State of New York. The principal business office of NYSEG is located at Corporate Drive, Kirkwood Industrial Park, Binghamton, New York.

Seneca is a limited liability company organized under the laws of the State of New York.

The Parties negotiated the terms of the IA and, on September 16, 2003, the Parties executed the IA. As discussed, on October 2, 2003, NYSEG filed the IA with FERC. Subsequently, in accordance with instructions from FERC staff, NYSEG prepared the Substitute IA, which includes a provision governing the disclosure of confidential information to FERC and its staff, and a one-line diagram. No other substantive changes were made. The parties then executed the Substitute IA.

## **II. Description of the Substitute IA**

Under the Substitute IA, NYSEG will provide interconnection service by which the Plant will be interconnected to the NYSEG transmission system. The Substitute IA sets forth the terms and conditions under which both NYSEG and Seneca will own and operate their respective facilities. The Substitute IA will remain in force for twenty years (*i.e.*, until midnight on September 15, 2023), unless the Substitute IA is terminated earlier in accordance with its terms. The Substitute IA is for transmission interconnection service only and does not provide for transmission delivery service. Seneca is responsible for separately obtaining transmission delivery service for the Plant.

## **III. Explanation of Rates and Charges**

The rates and charges under the Substitute IA that Seneca will pay to NYSEG include the following:

Under Section 5.1 of the Substitute IA, Seneca will be responsible for an on-going monthly, non-capital related charge for the operation and maintenance ("O&M") of what the Substitute IA defines as "NYSEG's Interconnection Facilities and Associated Equipment," as set forth in Schedule A to the Substitute IA. The monthly O&M charge, which is described in Schedule B to the Substitute IA, is calculated at a rate of one-twelfth (1/12) of the product of (i) nine percent (9%) and (ii) the cost of what the Substitute IA defines as the "Total Interconnection Facilities and Associated Equipment."

## **IV. Estimate of Revenues**

NYSEG estimates that total revenues under the Substitute IA for the monthly O&M charge will equal approximately \$696,600 over the term of the Substitute IA.

**V. Service Agreement under the NYISO OATT**

In accordance with the Commission's order *Designation of Electric Rate Schedule Sheets*, 90 FERC ¶ 61,352 (2000) ("Order No. 614"), NYSEG is filing the Substitute IA as a service agreement under the New York Independent System Operator ("NYISO") open access transmission tariff ("OATT"). Accordingly, the Substitute IA is being submitted as "Substitute Original Service Agreement No. 327 under New York Independent System Operator, Inc. FERC Electric Tariff, Original Vol. No. 1." In addition, NYSEG is submitting a conforming cover sheet for the Substitute IA. Because the Substitute IA is a service agreement, it is not subject to the usual individual pagination requirements of other rate schedules. Order No. 614 at 31,504.

**VI. Effective Date and Request for Waiver of Notice Requirements**

NYSEG respectfully requests waiver of the Commission's notice requirement, 18 C.F.R. § 35.11 (2002), so that the Substitute IA may become effective as of September 16, 2003, which (i) is the date on which interconnection service commenced under the IA, and (ii) the effective date originally requested for the IA in NYSEG's October 2, 2003 filing. Good cause exists for such waiver because it is consistent with the intent of the Parties.

NYSEG also respectfully requests a waiver of any other Commission regulation or requirement necessary to allow the Substitute IA to become effective as of September 16, 2003 without modification or condition.

**VII. Contents of Filing**

The following documents are included in this filing:

1. The Substitute IA (Attachment 1);
2. A redline of the Substitute IA (which shows the changes made from the IA) (Attachment 2); and
3. A Form of Notice suitable for publication in the *Federal Register* (Attachment 3).

In accordance with the Commission's regulations, eight copies of this filing, along with the Form of Notice in electronic format, are also being submitted.

Magalie R. Salas  
November 7, 2003  
Page 4

**VIII. Communications**

Please direct all communications concerning this filing to the following persons:

Carol M. Muessigbrodt Project Manager, IPP Interconnections New York State Electric & Gas Corp. Corporate Drive-Kirkwood Industrial Park P.O. Box 5224 Binghamton, N.Y. 13902-5224 T: (607) 762-7697 F: (607) 762-8666 clmuessigbrodt@nyseg.com	Nicholas A. Giannasca, Esq.* Serena C. Dignan, Esq. Huber Lawrence & Abell 605 Third Avenue New York, N.Y. 10158 T: (212) 682-6200 F: (212) 661-5759 ngiannasca@huberlaw.com sdignan@huberlaw.com
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\*authorized for receipt of service

**IX. Persons Served**

A copy of this filing, including the attached Substitute IA, has been served upon:

Seneca Energy II, LLC  
2917 Judge Road  
Oakfield, NY 14125  
Attn: Peter Zeliff

Vince Sanchez, Esq.  
Amigone, Sanchez, Matthew & Marshall, LLP  
1300 Main Place Tower  
Buffalo, NY 14202

Hon. Jaclyn A. Brillling  
Acting Secretary  
Public Service Commission of the State of New York  
Three Empire State Plaza  
Albany, NY 12223

Arnold Quint, Esq.  
Hunton & Williams  
1900 K Street N.W., Suite 1200  
Washington, D.C. 20006-1109

John P. Buechler  
New York Independent System Operator, Inc.  
3890 Carmen Road  
Schenectady, NY 12303

HUBER LAWRENCE & ABELL

Magalie R. Salas  
November 7, 2003  
Page 5

**X. Conclusion**

WHEREFORE, for the reasons set forth above, NYSEG respectfully requests that the Commission accept this Substitute IA for filing at the earliest possible date and make it effective as of September 16, 2003.

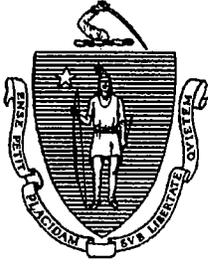
Respectfully submitted,



Nicholas A. Giannasca, Esq.  
Serena C. Dignan, Esq.  
Huber Lawrence & Abell  
605 Third Avenue  
New York, N.Y. 10158  
(212) 682-6200  
*Attorneys for New York State Electric & Gas Corporation*

cc: Mary Agnes Nimis, FERC staff

Attachments



COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CONSUMER AFFAIRS  
AND BUSINESS REGULATION  
**DIVISION OF ENERGY RESOURCES**  
70 FRANKLIN ST., 7th FLOOR  
BOSTON, MA 02110-1313  
Internet: [www.Mass.Gov/DOER](http://www.Mass.Gov/DOER)  
Email: [Energy@State.MA.US](mailto:Energy@State.MA.US)

**Mitt Romney**  
Governor

**Kerry Healey**  
Lieutenant Governor

**Beth Lindstrom**  
Director, Office of Consumer Affairs  
and Business Regulation

**David L. O'Connor**  
Commissioner

TELEPHONE  
617-727-4732

FACSIMILE  
617-727-0030  
617-727-0093

June 21, 2005

Mr. Stephen L. Cowell  
CEO & Chairman  
CSGServices, Inc  
40 Washington Street  
Westborough, MA 01581

**RE: RPS Eligibility Decision**  
**Ontario Landfill Gas Facility [LG-1040-05]**

Dear Mr. Cowell,

On behalf of the Division of Energy Resources (the Division), I am pleased to inform you that your Application for Statement of Qualification pursuant to the Massachusetts Renewable Energy Portfolio Standard (RPS) Regulations, 225 CMR 14.00, is hereby approved. The Division finds that the Generation Unit meets the requirements for eligibility as a New Renewable Generation Unit pursuant to 225 CMR 14.05.

Qualification of this Generation Unit is, however, subject to certain conditions that are detailed in the enclosed Statement of Qualification. Those conditions are based on provisions of the RPS Regulations at 225 CMR 14.05(5) that pertain to any Generation Unit that is located outside of the ISO-New England Control Area.

**COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION  
DIVISION OF ENERGY RESOURCES**

**Statement of Qualification**

**Pursuant to the Renewable Energy Portfolio Standard  
225 CMR 14.00**

This Statement of Qualification, provided by the Massachusetts Division of Energy Resources, signifies that the Generation Unit identified below meets the requirements for eligibility as a New Renewable Generation Unit, pursuant to the Renewable Energy Portfolio Standard 225 CMR 14.05, as of the approval date of the Application for Statement of Qualification, this 21<sup>st</sup> day of June 2005.

Authorized Representative's Name and Address:

Mr. Stephen L. Cowell CEO & Chairman CSGServices, Inc 40 Washington Street Westborough, MA 01581
--

Name of Generation Unit:

<b>Ontario Landfill Gas Facility</b>
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Qualification of this Generation Unit is subject to the following provisions:

1. The Generation Unit Owner or Operator shall provide to the Division by July 1<sup>st</sup> of each year a certification that the Generation Unit's New Renewable Generation Attributes used for compliance with the Massachusetts Renewable Energy Portfolio Standard 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 New Renewable Generation in a given time period shall meet requirements that include, but are not limited to, the following:
  - (a) An External Unit Contract shall be 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. The External Unit Contract shall include associated transmission rights for delivery of the Unit's electrical energy over the ties from an adjacent control area to the ISO-NE Control Area; and
  - (b) The Generation Unit Owner or Operator shall provide documentation, satisfactory to the Division, that:
    1. the electrical energy delivered pursuant to the External Unit Contract was settled in the ISO-NE Market Settlement System;
    2. the Generation Unit produced, during the applicable month, the amount of MWhs claimed, as verified by the NE-GIS administrator;

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

IN RE: APPLICATION FOR STANDARD CERTIFICATION DOCKET NO. 3786  
AS ELIGIBLE RENEWABLE ENERGY RESOURCE  
FILED BY CONSERVATION SERVICES GROUP, INC.  
AS AUTHORIZED REPRESENTATIVE FOR  
SENECA ENERGY II, LLC

ORDER

WHEREAS, Effective January 1, 2006, the Rhode Island Public Utilities Commission ("Commission") adopted Rules and Regulations Governing the Implementation of a Renewable Energy Standard (RES Regulations) including requirements for applicants seeking certification as an Eligible Renewable Energy Resource under the RES Regulations<sup>1</sup> pursuant to the Renewable Energy Act, Section 39-26-1 et. seq. of the General Laws of Rhode Island; and

WHEREAS, On October 27, 2006, Conservation Services Group, Inc. ("Company", Authorized Representative: Stephanie Hamilton, Contracts Administrator, Conservation Services Group, 40 Washington Street, Westborough, MA 01581, 518-836-9500) filed with the Commission an application seeking certification for its Ontario Generation Unit, a 5.6 MW biomass (landfill methane gas) energy Generation Unit located in Stanley, New York, as an eligible New Renewable Energy Resource under the State of Rhode Island RES Regulations; and

WHEREAS, Pursuant to Section 6.0 and other relevant Sections of the RES Regulations, a thirty (30) day period for public comment was provided during which time, no such comments were received, and

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<sup>1</sup> State of Rhode Island and Providence Plantations Public Utilities Commission Rules and Regulations Governing the Implementation of a Renewable Energy Standard – Date of Public Notice: September 23, 2005, Date of Public Hearing: October 12, 2005, Effective Date: January 1, 2006.

WHEREAS, After examination, the Commission is of the opinion that the application is proper, reasonable and in compliance with the RES Regulations, and hereby grants the Company certification as an eligible renewable energy resource pursuant to the Renewable Energy Act, Section 39-26-1 et. seq. of the General Laws of Rhode Island; and

WHEREAS, The Commission's determination in this docket is based on the information submitted by the Company, and the Commission may reverse its ruling or revoke the Applicant's certification if any material information provided by the Applicant proves to be false or misleading.

Accordingly, it is

(18847) ORDERED:

1) That the Ontario Generation Unit, meets the requirements for eligibility as a New, Eligible Biomass Renewable Energy Resource with its 5.6 MW, Grid-Connected Generation Unit having a Commercial Operation Date of October, 2003 for the 1<sup>st</sup> 3.2 MW and July, 2005 for the subsequent 2.4 MW expansion and located within a Control Area Adjacent to NEPOOL in Stanley, New York.

2) That the Generation Unit's NEPOOL-GIS Identification Number is 32561.

3) That the Company's Generation Unit as identified above is hereby assigned unique certification number RI-3786-N07.

4) That, as a Generation Unit located in a control area adjacent to NEPOOL, eligibility is granted only to the extent that the energy produced by the Generation Unit is actually delivered into NEPOOL for consumption by New England customers where delivery of such energy from the Generation Unit into NEPOOL is verified in accordance

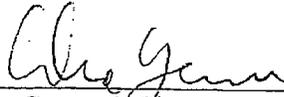
with Sections 5.1(ii) and 5.1(iii) of the RES regulations.

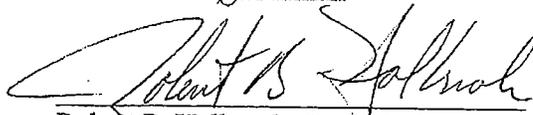
5) That, although the Commission will rely upon the documentation specified in Sections 5.1(ii) and 5.1(iii) of the RES Regulations and the NEPOOL GIS for verification of production of energy from the Company's Generation Unit certified as eligible in this Order, the Company will provide information and access as necessary to the Commission, or persons acting at its behest, to conduct audits or site visits to assist in verification of continued eligibility for and compliance with RI RES Certification at any time at the Commission's discretion. Such continuing verification shall include an annual affidavit and supporting documentation of use of eligible fuels.

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

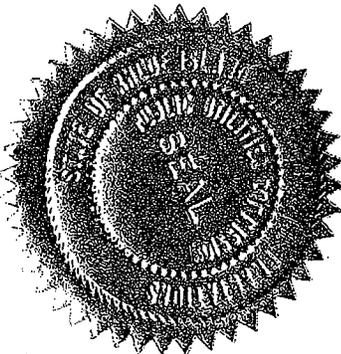
DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON  
FEBRUARY 1, 2007 PURSUANT TO AN OPEN MEETING DECISION. WRITTEN  
ORDER ISSUED FEBRUARY 3, 2007.

PUBLIC UTILITIES COMMISSION

  
Elia Germani, Chairman

  
Robert B. Holbrook, Commissioner

  
Mary E. Bray, Commissioner



STATE OF MARYLAND



MARTIN O'MALLEY  
GOVERNOR  
ANTHONY G. BROWN  
LIEUTENANT GOVERNOR

COMMISSIONERS

STEVEN B. LARSEN  
CHAIRMAN  
HAROLD D. WILLIAMS  
ALLEN M. FREIFELD  
SUSANNE BROGAN  
LAWRENCE BRENNER

PUBLIC SERVICE COMMISSION

#7, 12/5/07 AM; ML#107919, IR-1141

December 5, 2007

Ms. Deborah Razza  
Seneca Energy II, LLC  
40 Washington Street  
Westborough, MA 01581

Dear Ms. Razza:

The Commission has reviewed the Application for Certification as a Renewable Energy Facility for the Maryland Renewable Energy Portfolio Standard Program filed on October 18, 2007 by Seneca Energy II, LLC.

After considering this matter at the December 5, 2007 Administrative Meeting, the Commission granted the application and issued renewable energy facility Certification Number MD-40127-LFG-01 to the Company for the Ontario facility.

Additionally, the Company is reminded that under COMAR 20.61.02.03B, it is obligated to notify the Commission within 30 days of any substantial change to the information contained in its application.

By Direction of the Commission,

A handwritten signature in cursive script, appearing to read "Terry J. Romine".

Terry J. Romine  
Executive Secretary

TJR/gjd

c: Paula M. Carmody, People's Counsel



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL  
TEN FRANKLIN SQUARE  
NEW BRITAIN, CT 06051

DOCKET NO. 07-09-18 APPLICATION OF SENECA ENERGY II FOR  
QUALIFICATION OF ONTARIO AS A CLASS I  
RENEWABLE ENERGY SOURCE

March 26, 2008

By the following Commissioners:

Anthony J. Palermino  
Anne C. George  
John W. Betkoski, III

## DECISION

### INTRODUCTION

#### A. SUMMARY

In this Decision, the Department of Public Utility Control determines that the Ontario County Landfill generating facility qualifies as a Class I energy source as a methane gas from landfill facility and assigns it Connecticut Renewable Portfolio Standard (RPS) Registration Number CT00227-07.

#### B. BACKGROUND OF THE PROCEEDING

By application dated September 21, 2007 (Application), Conservation Services Group requested that the Department of Public Utility Control (Department) determine

that the Ontario County Landfill generating 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 Department recognized Ontario County Landfill, through its authorized agent Conservation Services Group, 40 Washington Street, Westborough, MA 01581; and the Office of Consumer Counsel, Ten Franklin Square, New Britain, Connecticut 06051, as participants in this proceeding.

## II. DEPARTMENT ANALYSIS

Pursuant to the General Statutes of Connecticut (Conn. Gen. Stat.) §16-1(a)(26), "Class I renewable energy source" includes energy derived from methane gas from landfills.

The Application states that Ontario County Landfill is a methane gas from landfill facility located at 3555 Post Farm Road in Stanley, New York. Ontario County Landfill began commercial operation on October 31, 2003, and has a nameplate capacity of 5.6 MW. Application, p. 2.

As provided in the Application, Ontario County Landfill is a generating facility, fueled by landfill methane gas. Ontario County Landfill is an RPS-Qualified New Renewable Generation Unit, fueled by landfill gas, under the Massachusetts Renewable Portfolio Standard. Ontario County Landfill's MA RPS Number is LG-1040-05. See the report Massachusetts Division of Energy Resources (DOE) Renewable Portfolio Standard, RPS-Qualified New Renewable Generation Units, pp. 3 and 5.<sup>1</sup> Ontario County Landfill has been granted an Air Title V Facility Permit (Permit) No. 8-3244-00040/00002 originally on October 25, 2002 and modified June 22, 2005 from the New York State Department of Environmental Conservation. The Permit describes the Ontario County Landfill as a landfill Gas to Energy Facility. Ontario County Gas to Energy Facility Permit, p.1. The New York State Department of Environmental Conservation, Division of Solid & Hazardous Materials, Solid Waste Management Facilities (SWIMS) report as of October 2007 lists Ontario County Landfill LFG as an active municipal; solid waste landfill operating as a mixed solid waste landfill under permit No. 832440000400001 dated January 21, 2005. SWIMS Report, p.19. See [www.dec.ny.gov/docs/materials\\_minerals\\_pdf/mswlist.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/mswlist.pdf).

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<sup>1</sup> This document is located at <http://www.mass.gov/doer/rps/approved.htm>. Page 4 indicates that RPS qualified certificates will be awarded this facility only when and if they meet the special provisions of the RPS Regulations at 225 CMR 14.05(5) related to any generation unit that is located outside of the ISO-New England control area.

Conn Gen. Stat. §16-245a(b), defines geographic eligibility to include energy imported into the control area of the regional independent system operator pursuant to New England Power Pool Generation Information System Rule (NEPOOL GIS) 2.7(c), as in effect on January 1, 2006.

The facility is located in New York and New York is recognized as an adjacent control area by the Independent System Operator of New England. Therefore, the facility geographically qualifies to import power into the control area pursuant to NEPOOL GIS rule 2.7(c) and subsequently receive renewable energy certificates.

Based on the foregoing, the Department determines that Ontario County Landfill qualifies as a Class I renewable energy source pursuant to Conn. Gen. Stat. §16-1(a)(26). The Ontario County Landfill must comply with NEPOOL GIS Operating Rule 2.7 regarding imports.

### **III. FINDINGS OF FACT**

1. Ontario County Landfill is recognized by the NY State Department of Environmental Conservation as an active municipal, solid waste landfill.
2. Ontario County Landfill began operation on October 31, 2003.
3. Ontario County Landfill has a nameplate capacity of 5.6 megawatts.
4. Ontario County Landfill is located in Stanley, New York.
5. Ontario County Landfill is a generating facility, fueled by methane gas produced at the landfill.

### **IV. CONCLUSION**

Based on the evidence submitted, the Department finds that Ontario County Landfill qualifies as a Class I renewable generation source pursuant to Conn. Gen. Stat. § 16-1(a)(26).

The Department assigns each renewable generation source a unique Connecticut RPS registration number. Ontario County Landfill's Connecticut RPS registration number is CT00227-07.

The Department's determination in this docket is based on the information submitted by Ontario County Landfill. The Department 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 Department reminds Ontario County Landfill that it is obligated to notify the Department within 10 days of any changes to any of the information it has provided to the Department.

DOCKET NO. 07-09-18 APPLICATION OF SENECA ENERGY II FOR  
QUALIFICATION OF ONTARIO AS A CLASS I  
RENEWABLE ENERGY SOURCE

This Decision is adopted by the following Commissioners:

Anthony J. Palermino

Anne C. George

John W. Betkoski, III

CERTIFICATE OF SERVICE

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

*Louise E. Rickard*

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Louise E. Rickard  
Acting Executive Secretary  
Department of Public Utility Control

March 27, 2008

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Date