

# Brennan Punderson, PLLC

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February 10, 2014

HPUC 12FEB'14AM11:09

Ms. Debra A. Howland  
Executive Director and Secretary  
State of New Hampshire  
Public Utilities Commission  
21 S. Fruit St., Suite 10  
Concord, NH 03301-2429

Re: Kane's Cow Power, LLC of Enosburg, Vermont

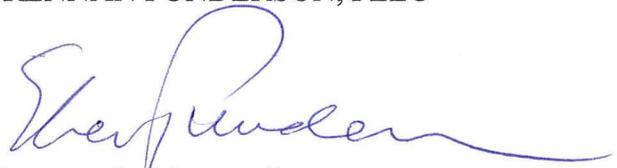
Dear Ms. Howland:

I have enclosed for filing an original and three copies of an application for Renewable Energy Source Eligibility being filed on behalf of Kane's Cow Power, LLC of Enosburg, Vermont.

If you have any questions or comments with regard to the application you may contact either Nancy Kane at the contact information provided in the application, or you may contact me.

Very truly yours,

BRENNAN PUNDERSON, PLLC

By:   
Ebenezer Punderson, Esq.

EP/t  
Enclosures  
cc: Kane's Cow Power, LLC – letter only

**Reply to Middlebury Office**

Monkton P.O. Box 8, 1317 Davis Road, Monkton, Vermont 05469 Phone 802.453.8400 Fax 802.453.8411

Middlebury The Marbleworks, 99 Maple Street, Suite 10B, Middlebury, Vermont 05753 Phone 802.989.7342 Fax 802.989.7441





(2)

Enosburg VT 05450  
(City) (State) (Zip code)

9. Latitude: 44° 54' 35.01" N Longitude: 72° 55' 19.42" W

10. The name and telephone number of the facility's operator, if different from the owner: Same

\_\_\_\_\_  
(Name) (Telephone number)

11. The ISO-New England asset identification number, if applicable: NON33676 or N/A:

12. The GIS facility code, if applicable: \_\_\_\_\_ or N/A:

13. A description of the facility, including fuel type, gross nameplate generation capacity, the initial commercial operation date, and the date it began operation, if different. See attached

14. If Class I certification is sought for a generation facility that uses biomass, the applicant shall submit:
- (a) quarterly average NOx emission rates over the past rolling year,
  - (b) the most recent average particulate matter emission rates as required by the New Hampshire Department of Environmental Services (NHDES),
  - (c) a description of the pollution control equipment or proposed practices for compliance with such requirements,
  - (d) proof that a copy of the completed application has been filed with the NHDES, and
  - (e) conduct a stack test to verify compliance with the emission standard for particulate matter no later than 12 months prior to the end of the subject calendar quarter except as provided for in RSA 362-F:12, II.
  - (f)  N/A: Class I certification is NOT being sought for a generation facility that uses biomass.

15. If Class I certification is sought for the incremental new production of electricity by a generation facility that uses biomass, methane or hydroelectric technologies to produce energy, the applicant shall:
- (a) demonstrate that it has made capital investments after January 1, 2006 with the successful purpose of improving the efficiency or increasing the output of renewable energy from the facility, and
  - (b) supply the historical generation baseline as defined in RSA 362-F:2, X.
  - (c)  N/A: Class I certification is NOT being sought for the incremental new production of electricity by a generation facility that uses biomass, methane or hydroelectric technologies.

16. If Class I certification is sought for repowered Class III or Class IV sources, the applicant shall:
- (a) demonstrate that it has made new capital investments for the purpose of restoring unusable generation capacity or adding to the existing capacity, in light of the NHDES environmental permitting requirements or otherwise, and

- (b) provide documentation that eighty percent of its tax basis in the resulting plant and equipment of the eligible generation capacity, including the NHDES permitting requirements for new plants, but exclusive of any tax basis in real property and intangible assets, is derived from the new capital investments.
  - (c)  N/A: Class I certification is NOT being sought for repowered Class III or Class IV sources.
17. If Class I certification is sought for formerly nonrenewable energy electric generation facilities, the applicant shall:
- (a) demonstrate that it has made new capital investments for the purpose of repowering with eligible biomass technologies or methane gas and complies with the certification requirements of Puc 2505.04, if using biomass fuels, and
  - (b) provide documentation that eighty percent of its tax basis in the resulting generation unit, including NHDES permitting requirements for new plants, but exclusive of any tax basis in real property and intangible assets, is derived from the new capital investments.
  - (c)  N/A: Class I certification is NOT being sought for formerly nonrenewable energy electric generation facilities.
18. If Class IV certification is sought for an existing small hydroelectric facility, the applicant shall submit proof that:
- (a) it has installed upstream and downstream diadromous fish passages that have been required and approved under the terms of its license or exemption from the Federal Energy Regulatory Commission, and
  - (b) when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects.
  - (c)  N/A: Class IV certification is NOT being sought for existing small hydroelectric facilities.
19. If the source is located in a control area adjacent to the New England control area, the applicant shall submit proof that the energy is delivered within the New England control area and such delivery is verified using the documentation required in Puc 2504.01(a)(2) a. to e. *n/a*
20. All other necessary regulatory approvals, including any reviews, approvals or permits required by the NHDES or the environmental protection agency in the facility's state. *See attached*
21. Proof that the applicant either has an approved interconnection study on file with the commission, is a party to a currently effective interconnection agreement, or is otherwise not required to undertake an interconnection study. *See attached*
22. A description of how the generation facility is connected to the regional power pool of the local electric distribution utility. *See attached*
23. A statement as to whether the facility has been certified under another non-federal jurisdiction's renewable portfolio standard and proof thereof. *See attached*
24. A statement as to whether the facility's output has been verified by ISO-New England.  
*See attached*

25. A description of how the facility's output is reported to the GIS if not verified by ISO-New England.

*See attached*

26. An affidavit by the owner attesting to the accuracy of the contents of the application.

*See attached*

27. Such other information as the applicant wishes to provide to assist in classification of the generating facility.

28. This application and all future correspondence should be sent to:

Ms. Debra A. Howland  
Executive Director and Secretary  
State of New Hampshire  
Public Utilities Commission  
21 S. Fruit St, Suite 10  
Concord, NH 03301-2429

29. Preparer's information:

Name: Ebenezer Punderson

Title: \_\_\_\_\_

Address: (1) 99 Maple Street, Suite 10B

(2) \_\_\_\_\_

(3) \_\_\_\_\_

Middlebury (City) VT (State) 05753 (Zip code)

30. Preparer's signature: Ebenezer Punderson

13. A description of the facility, including fuel type, gross nameplate generation capacity, the initial commercial operation date, and the date it began operation, if different:

*Applicant operates a farm-methane electrical generating facility which uses methane gas derived principally from processed cow manure and secondarily from other farm-based feedstocks to fuel a biogas generator. The manure is processed in an on-site methane digester, and the methane gas is piped directly to the generator. The gross nameplate generation capacity is 225 kilowatts. The initial commercial operation date is November 2, 2011.*

20. All other necessary regulatory approvals, including any reviews, approvals or permits required by the NHDES or the environmental protection agency in the facility's state:

*A State of Vermont, Public Service Board Certificate of Public Good was issued pursuant to 30 V.S.A. Section 248 on May 12, 2011, approving the facility. A copy of the CPG is attached hereto. The Air Pollution Control Division of the Vermont Agency of Natural Resources issued a letter dated October 10, 2010 determining that an air-pollution control permit is not required. This approval is referenced in the Certificate of Public Good at paragraph 6.*

21. Proof that the applicant either has an approved interconnection study on file with the commission, is a party to a currently effective interconnection agreement, or is otherwise not required to undertake an interconnection study.

*Applicant is party to a Generation Interconnection Agreement Between Central Vermont Public Service Corporation and Kane's Cow Power, LLC dated July 13, 2011. An System Impact Study was also performed and referenced in the attached Certificate of Public Good. A copy of a letter dated May 12, 2010 from Gen-Tec certifying the projects meets the technical standards as a condition of the Certificate of Public Good is attached hereto.*

22. A description of how the generation facility is connected to the regional power pool of the local electrical distribution utility:

*Applicant's facility is interconnected at 12.47 kV with Central Vermont Public Service's distribution system originating at the Sheldon 10 distribution circuit at existing Line 91 Pole 30-3.*

23. A statement as to whether the facility has been certified under another non-federal jurisdiction's renewable portfolio standard and proof thereof:

*The facility has been approved by the State of Connecticut Public Utilities Regulatory Authority as a Class I renewable energy source by decision dated January 4, 2012 in Docket No. 11-11-12. Applicant has a pending application with State of Rhode Island as a Class I Renewable Energy Source as defined in Rhode Island General Statutes Section 39-26-1 et seq.*

24. A statement as to whether the facility's output has been verified by ISO-New England:

The facility's output is not verified by ISO-New England.

25. A description of how the facility's output is reported to the GIS if not verified by ISA-New England:

*The electrical energy output of Kane's Cow Power, LLC methane fueled generation facility is reported to the GIS by Vermont Electric Power Producers, Inc. (VEPP), a certified third party meter reader. The generation facility is not a customer-sited source because its electrical output does not displace any consumption of the end-use customer.*

26. An affidavit by the owner attesting to the accuracy of the contents of the application:

*See attached Affidavit of Nancy Kane.*

AFFIDAVIT

Kane's Cow Power, LLC  
5893 Vermont Rt 105  
Enosburg, VT 05450

To: State of New Hampshire  
Public Utilities Commission

I, Nancy Kane, duly authorized agent of Kane's Cow Power, LLC, hereby certify that the information given in this application is true, accurate and complete to the best of my knowledge.

Dated: Feb. 7, 2014

  
Nancy Kane

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7713

Petition of Kane's Cow Power, LLC ("KCP") for a )  
certificate of public good, pursuant to 30 V.S.A. )  
§ 248(j), authorizing the installation and operation of )  
a 225-kW agricultural-methane electrical generating )  
facility at the Kane Scenic River Farm, located at )  
5893 Route 105 in Sheldon, Vermont )

Entered: 5/12/2011

**CERTIFICATE OF PUBLIC GOOD ISSUED**  
**PURSUANT TO 30 V.S.A. SECTION 248**

IT IS HEREBY CERTIFIED that the Public Service Board ("Board") of the State of Vermont this day found and adjudged that the proposed installation and operation of a 225-kW agricultural-methane electrical generating facility at the Kane Scenic River Farm, located at 5893 Route 105 in Sheldon, Vermont, by Kane's Cow Power, LLC ("KCP"), in accordance with the evidence and plans submitted in this proceeding (the "Project"), will promote the general good of the State, subject to the following conditions:

1. The Project shall be constructed in accordance with the evidence and plans submitted in these proceedings. Any material deviation from these plans must be approved by the Board.
2. Prior to proceeding with construction, KCP shall obtain all necessary permits and approvals. Construction, operation, and maintenance of the proposed Project shall be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources ("ANR") and the U.S. Army Corps of Engineers.
3. KCP shall comply with the recommendations contained in the System Impact Study ("SIS") to assure that the Project does not cause undue adverse impacts on system stability and reliability. KCP shall pay for all costs associated with the recommendations in the SIS as well as all interconnection costs.

4. Prior to operation of the Project, KCP shall enter into an interconnection agreement with Central Vermont Public Service Corporation ("CVPS") and file the agreement with the Board and the Department of Public Service ("Department").

5. Prior to interconnection of the generator with the CVPS system, KCP shall provide the Board and the Department with written documentation that the Project meets the applicable codes and standards listed in PSB Rule 5.510.

6. KCP shall comply with the four conditions for operating the engine and the flare established by ANR's Air Pollution Control Division in a letter dated October 10, 2010.

7. If KCP intends to employ or store off-farm feedstock for the Project, KCP shall:

- (a) ensure that at all times, the amount of on-farm feedstock exceeds the off-farm feedstock used in the digester;
- (b) ensure that at least fifty-one percent of feedstock shall be derived from agricultural operations;
- (c) notify ANR and Agency of Agriculture, Food and Markets ("AAFM") and obtain all necessary permits or approvals as required by ANR and AAFM;
- (d) except for testing purposes, if using off-farm food waste, obtain a Solid Waste Management Certification from ANR's Waste Management Division;
- (e) except for testing purposes, if using off-farm liquid food-processing wastes, only accept such wastes from generators that have received an Indirect Discharge Permit from ANR's Wastewater Management Division; and
- (f) either ensure that all semi-solid feedstock is loaded into the digester hopper and fed into the digester tanks on the same day as delivery or, prior to the first project-related off-farm feedstock delivery, file a storage and handling plan for off-farm feedstock with the Board for approval.

8. KCP shall not import more than one truckload per day of off-site agricultural substrate.

This Certificate of Public Good shall not be transferred without prior approval of the Board.

DATED at Montpelier, Vermont, this 12<sup>th</sup> day of May, 2011.

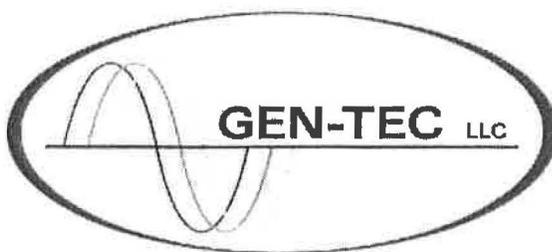
<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ John D. Burke</u>	)	

OFFICE OF THE CLERK

Filed: May 12, 2011

Attest: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [psb.clerk@state.vt.us](mailto:psb.clerk@state.vt.us))*



**GEN-TEC LLC**  
**39415 Excelsior Drive**  
**Latham MO 65050 USA**  
**Tel: 660.458.7200**  
**Fax: 660.458.7201**

RE: Kane Scenic River Farm Interconnection Project. Job ID:(future). 05/12/2010

This document is to certify that the Digital Electronic Control / Switchgear, and the Synchronous Electric Power Generator, which are to be utilized on this project, are guaranteed to be equipped, and to operate, pursuant to the below referenced standards:

1. IEEE.1547-2003 and the associated IEEE and ANSI standards referenced therein concerning electrical equipment requirements, as applicable to equipment supplied by Gen-tec LLC. (clarifications or exceptions detailed separately)
2. NFPA 70 (2002) National Electrical Code. (As applicable to equipment supplied by Gen-tec LLC.)
3. IEEE - C37.90.1 (1989)
4. IEEE - C37.90.2 (1995)
5. IEEE - C62.41.2 (2002)
6. IEEE - C62.45 (1992)
7. ANSI - C84.1 (1995)
8. IEEE - 519 (1992)
9. NEMA MG-1 (1998) as applicable to equipment supplied by Gen-tec LLC.

We, the undersigned, hereby certify that, the Digital Electronic Control / Switchgear, and the Synchronous Electric Power Generator, which are to be utilized on this project, are equipped and will operate pursuant to the above referenced standards.

X.   
**Jason O. Hoover**  
Engineering & Design

X.   
**Marcus R. Martin**  
Production Manager