



## Filing Instructions for Renewable Energy Interconnection Facility Certificate of Public Convenience and Necessity (CPCN)

**I. Where to File:** Applications should be filed in the Commission’s electronic filing system, DelaFile, which can be accessed at <https://delafile.delaware.gov/>.

**II. What to File:** Applicant should file a new Docket Filing and should type the following docket caption when filing the application in DelaFile:

IN THE MATTER OF THE APPLICATION OF [NAME OF APPLICANT] FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A RENEWABLE ENERGY INTERCONNECTION FACILITY PURSUANT TO 26 DEL.C. 203F (FILED [MONTH DAY, YEAR])

Applicant must use the application posted on the Commission website at <https://depssc.delaware.gov/>. (Please remove this instruction sheet prior to filing). There is \$750 filing fee. Please provide all exhibits, affidavits, and other attachments. All exhibits should be clearly identified. For example, Exhibit A should be marked “Exhibit A – Registration of Trade, Business & Fictitious Name.” **Each exhibit should be attached as a separate document to the filing in DelaFile.**

**III. Confidentiality:** All information disclosed in this application is considered public information unless specifically labeled confidential. The Applicant has the responsibility to disclose to the Commission Secretary what it asserts may qualify as privileged or confidential information not otherwise available to the public. The Applicant should **attach in DelaFile one copy of all confidential information. Documents should be stamped “CONFIDENTIAL” at the top in clear and conspicuous letters. The security level for this document in DelaFile should be designated “confidential”. A separate redacted version of all confidential documents should be attached to the filing in DelaFile, and the security level in DelaFile should be designated “public.”** If your Application includes confidential information, please complete Attachment C. For more information, see 26 Del. Admin. C. § 1001 – Rules of Practice and Procedure of the Delaware Public Service Commission.

**IV. Incomplete or Deficient Applications:** Incomplete applications or those not including the necessary supporting documentation or information may be rejected and/or processing may be delayed. The Applicant must then refile the application with the required information.

If the submitted application is found to be deficient, the Applicant will be given the opportunity to provide the additional information; however, an incomplete or abandoned application will be closed four (4) months after the initial filing date, unless such time period is extended by the Commission.

**Questions, contact** [PSC@delaware.gov](mailto:PSC@delaware.gov).

**REFER TO 26 Del. Admin. C. § 3014 FOR SPECIFIC INFORMATION REQUIRED. UNLESS OTHERWISE NOTED, CAPITALIZED TERMS SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN 26 Del. Admin. C. § 3014. COMMISSION STAFF MAY REQUEST ADDITIONAL INFORMATION IN ORDER TO PROCESS THE APPLICATION.**



## Application for Renewable Energy Interconnection Facility

### CPCN

1. **Legal name of Applicant and the name under which the Applicant proposes to do business in Delaware.**

1a. Applicant \_\_\_\_\_

1b. Parent Company (if applicable) \_\_\_\_\_

d/b/a name (if applicable) \_\_\_\_\_

☐ 1c. If applicable, **Applicants** with a d/b/a must submit a copy of the Registration of Trade, Business & Fictitious Name Certificate for each of the three Delaware counties in which it operates. Provided in **Exhibit** \_\_\_\_\_.

☐ 1d. Provide a list of names under which the Applicant, its Affiliated Interests, or any current or previous officer, director, or manager has previously done business in Delaware. Provided in **Exhibit** \_\_\_\_\_.

1e. Tax Identification or Employer Identification Number: \_\_\_\_\_

1f. Company Mailing Address: \_\_\_\_\_

2. **State of Formation Certifications:**

State of Formation: \_\_\_\_\_

☐ 2a. Provide a Certificate of Good Standing issued by the Secretary of State of the state of formation or incorporation (if different from the State of Delaware) dated within the past 90 days certifying that the Applicant is in good standing and qualified to do business in the state of formation or applied for a waiver of this requirement. Provided in **Exhibit** \_\_\_\_\_.

☐ 2b. Provided documentation certifying that the Applicant is registered and/or qualified to do business in the state of formation or incorporation (if different from the State of Delaware) or applied for a waiver of this requirement. Provided in **Exhibit** \_\_\_\_\_.

3. **Authority to do Business in Delaware:**

☐ 3a. Provide a Certificate of Good Standing issued by the Delaware Secretary of State dated within the past 90 days certifying that the Applicant is in good standing and qualified to do business in Delaware. Provided in **Exhibit** \_\_\_\_\_.

4. **Delaware Registered Agent:** Each Applicant shall provide a designation in writing of the name and address of a person resident within the State of Delaware upon which service of any notice, order or process may be made. This information must be updated if changed.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email Address

5. **Leadership:** Provide the names, titles, addresses, and telephone numbers of the Applicants' principal officers, directors, partners, or other similar officials. Provided in **Exhibit** \_\_\_\_.

6. **Corporate Structure:**

6a. Each Applicant shall provide a description of the Applicant's corporate structure, including any Affiliated Interests engaged in operations in the United States related to energy.  
If additional space needed, Provide in **Exhibit** \_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6b. A graphical depiction of such structure is required. Provided in **Exhibit** \_\_\_\_.

7. **Regulatory Contact Person:** This person is responsible for the Applicant's Delaware operations and will be the Commission's main point of contact and the initial point of contact regarding this Application. The Commission will also send any correspondence to this person.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email Address

8. **Applicant's Attorney:** This person may be the secondary contact for resolving complaints filed with the Commission. The Commission may also send any correspondence to this person. This information is required to be updated if there is a change.

\_\_\_\_\_  
Name of Attorney

\_\_\_\_\_  
Title

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email Address

9. **Consent to Jurisdiction:**

Applicant consents to the jurisdiction of the Delaware courts for acts or omissions arising from the Applicant's and its Agent's activities in the State of Delaware.

\_\_\_\_\_  
By (signature)

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

10. **Criminal Activities Statement:**

- ☐ Provide a statement by the Applicant detailing any criminal activities related to fraud or financial misconduct of which the Applicant, any of its Affiliated Interests, officers, and directors (and prior officers and directors who left the Applicant's employ less than three (3) months before the filing of the application) have been convicted. Any criminal disclosure shall include a copy of any order of conviction and restitution. Provided in **Exhibit** \_\_\_\_\_.
- ☐ Neither the Applicant nor its affiliated interests, officers or directors have been charged or convicted of any felonies.

11. **Project Description:** Provide a complete description of the project that the applicant intends to develop in Delaware to include:

- a. A detailed description of the renewable energy interconnection facilities for which the applicant seeks a certificate, including its functions and operating characteristics;
- b. Complete plans as to all structures, including underground construction and transmission facilities associated with the proposed facility;
- c. One-line diagrams showing all transmission facilities to be constructed;
- d. A description of the construction design to include a pictorial representation of design type;
- e. An aerial map showing the proposed location and route of planned renewable energy interconnection facilities;
- f. A cost estimate for the project;
- g. Copies of any analysis undertaken by the applicant or of which applicant is aware that demonstrates the reliability-based or economics-based need for the renewable energy interconnection facility and any impacts on electricity costs, including transmission, energy, capacity, and ancillary services charges within Delaware; and
- h. The engineering and technical design of the transmission facility proposed by the applicant.

Provided in **Exhibit(s)** \_\_\_\_\_.

12. **Department of Transportation Right of Way:**

Will the renewable energy interconnection facility operate in a Delaware Department of Transportation Right of Way?

☐ Yes\*

☐ No

\*If yes, describe the extent to which the facility impacts the safe and effective operation of other utility facilities, or any other facilities, already in the Right of Way. Attached as **Exhibit** \_\_\_\_\_.

**13. Offshore Wind:**

Is the facility being constructed as an Offshore Wind Interconnection Facility (as defined in 26 Del.C. 203F)?

☐ Yes\*

☐ No

\*If yes, provide the written approval obtained from the State Energy Office confirming compliance with 26 Del.C. 203F(e). Attached as **Exhibit** \_\_\_\_\_.

**14. Entity Designation:**

Does the applicant have documentation certifying the applicant as the PJM entity designated to contract new renewable energy transmission facilities?

☐ Yes. A copy is provided as **Exhibit** \_\_\_\_\_.

☐ No.

If No, Attachment D must be completed and required documents submitted.

- 15. Economic Impact:** Provide the applicant's assessment of the impact of granting the requested CPCN on the State's economy and benefits to the State's ratepayers. Include all studies and forecasts, complete with the information, data, methodology, and assumptions on which they are based, that the applicant is relying on in making the economic assessment.

Attached as **Exhibit(s)**\_\_\_\_\_.

- 16. Climate Impact:** Provide the applicant's assessment of how granting the requested CPCN will impact the State's greenhouse gas emission reduction targets as specified in 7 Del.C. §10003. Include all studies and forecasts, complete with the information, data, methodology, and assumptions on which they are based, that the applicant is relying on in making the climate assessment.

Attached as **Exhibit(s)**\_\_\_\_\_.

- 17. Provide the applicant's assessment of whether the proposed renewable energy interconnection facilities preclude or limit the ability of future renewable energy projects to use the same or nearby access locations or rights of way.**

Attached as **Exhibit(s)**\_\_\_\_\_.

- 18. Provide the applicant's assessment of whether the proposed renewable energy interconnection facilities allow for future construction by other developers so as to minimize the environmental impacts of multiple entry points along the Delaware shore or through Delaware rights of way.**

Attached as **Exhibit(s)**\_\_\_\_\_.

19. **Provide the applicant's assessment of the impact of granting the CPCN on the health, safety, and welfare of the general public.** All studies and forecasts, complete with the information, data, methodology, and assumptions on which they are based, that are relied upon shall be included.

Attached as **Exhibit(s)**\_\_\_\_\_.

20. **Has the applicant or any of its affiliated interests been denied approval to construct or operate a transmission facility in any other state or federal jurisdiction?**

☐ Yes\*

☐ No

\*If yes, include a detailed explanation of the circumstances and provide copies of any orders, decrees, or agreements related to the denial. Attached as **Exhibit** \_\_\_\_\_.

21. **Has the applicant or any of its affiliated interests been found to be in violation of a state's laws, rules, or regulations related to the provision of transmission facility construction?**

☐ Yes\*

☐ No

\*If yes, include a detailed explanation of the circumstances and provide copies of any orders, decrees, or agreements related to the violation. Attached as **Exhibit** \_\_\_\_\_.

22. **Has the applicant or any of its affiliated interests had its transmission authority revoked, modified or suspended by any other state or federal jurisdiction?**

☐ Yes\*

☐ No

\*If yes, include a detailed explanation of the circumstances and provide copies of any orders, decrees, or agreements related to the action. Attached as **Exhibit** \_\_\_\_\_.

23. **Has the applicant, any of the applicant's affiliated interests, any officer, principal or director, or any prior officer, principal or director at the time, had any other adverse judicial or regulatory action pertaining to the provision of electric transmission, including any formal docketed complaints?**

☐ Yes\*

☐ No

\*If yes, include a detailed explanation of the circumstances and provide copies of any orders, decrees, or agreements related to the action. Attached as **Exhibit** \_\_\_\_\_.

24. **Has the applicant or any of the applicant's affiliated interests, entered into a stipulation or consent decree in a formal docketed proceeding in the past 5 years concerning its transmission facilities construction or operation in which the applicant agreed to pay a civil penalty, provide any restitution, or make changes to its operations?**

☐ Yes\*

☐ No

\*If yes, include a detailed explanation of the circumstances and provide copies of any orders, decrees, or agreements. Attached as **Exhibit** \_\_\_\_\_.

25. **Please provide a copy of any settlement, adjudication, or court order with respect to an action filed by a state Attorney General, the Federal Trade Commission, or U.S. Department of Justice concerning the Applicant's participation in transmission facility projects.**

☐ Provided in **Exhibit** \_\_\_\_\_.

☐ This is not applicable to Applicant.

26. **Any other Information:**

☐ Other material submitted in support of the Application. Provided in **Exhibit** \_\_\_\_\_.

☐ No other supporting material is provided.

27. **Waiver of Certification Requirements:** Only applicable to Applicants requesting a waiver for good cause.

☐ Applicant requests a waiver of the requirements in Section(s) \_\_\_\_\_ of the rules. Please provide a detailed explanation and supporting documentation in support of the request. Provided in **Exhibit** \_\_\_\_\_.

☐ No waiver requested.

28. **Verification of Application:** The Application must be accompanied by a signed, notarized verification of a principal officer of the Applicant stating that all information in the Application is true and correct as filed to the best of the principal's or officer's belief. Where the Applicant is a corporation or an association, the verification shall be signed by an officer thereof and notarized. (*See Attachment A for an example*). Verification is provided in **Exhibit** \_\_\_\_\_.

29. **General Compliance:** Please complete the "Application Affidavit" in *Attachment B*. Provided in **Exhibit** \_\_\_\_\_.

**VERIFICATION**

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally came before me, the subscriber, a Notary Public in and for the state and county aforesaid,  
\_\_\_\_\_ [name of individual who is signing] as the  
\_\_\_\_\_ [authority of individual or title of individual who is signing, e.g., President, Vice President, Sole Member/Manager, Trustee, etc.] of  
\_\_\_\_\_ [name of company or entity that is filing], known to me personally to be such or having presented to me satisfactory evidence of identity, and acknowledged this document to be [his or her] act and deed and the act and deed of such \_\_\_\_\_ [type of filer, e.g. corporation, limited liability company, etc.], that the signature of such individual is in [his or her] own proper handwriting, and that the facts set forth in this \_Application\_ are true and correct to the best of [his or her] knowledge, information, and belief.

\_\_\_\_\_  
Signature of individual  
Printed Name: \_\_\_\_\_

**SIGNED AND SWORN (OR AFFIRMED)** before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ (name of individual who signed above).

\_\_\_\_\_  
Signature of Notarial Officer

**SEAL**

\_\_\_\_\_  
Title (e.g., Notary Public)

My Commission Expires:

\_\_\_\_\_, 20\_\_



**APPLICATION AFFIDAVIT**

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law,  
deposes and says that:

He/she is the \_\_\_\_\_ (Office of Affiant) of  
\_\_\_\_\_(Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

That the Applicant herein certifies to the Commission that:

The Applicant agrees to comply with all applicable Federal and state consumer protection and environmental laws and regulations, and Delaware PSC regulations, fees, assessment, and reporting requirements;

The Applicant has obtained all the licenses and permits required to operate the proposed business in the State of Delaware;

That the Applicant has the burden of producing information and supporting documentation demonstrating its managerial and operational ability to be granted a Final Certificate to Operate as a Community Energy Facility pursuant to 26 *Del. Admin. C.* § 3013;

That the Applicant has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required;

That the Applicant acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents prior to the Final Certificate to Operate being issued;

That the Applicant acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission and/or Commission Staff; and

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Printed Name: \_\_\_\_\_

**SIGNED AND SWORN (OR AFFIRMED)** before me on this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_, by \_\_\_\_\_ (name of individual who signed above).

\_\_\_\_\_  
Signature of Notarial Officer

**SEAL**

\_\_\_\_\_  
Title (e.g., Notary Public)

My Commission Expires:

\_\_\_\_\_, 20\_\_

**Attestation of Submission of Confidential, Proprietary, and Privileged Material**  
**Per 26 Del. Admin. C. § 1001-1.11**

I, \_\_\_\_\_ [NAME], \_\_\_\_\_ [TITLE]  
of \_\_\_\_\_ [COMPANY/ORGANIZATION],  
do hereby attest, under penalty of perjury, that \_\_\_\_\_

\_\_\_\_\_  
[DESCRIPTION OF DOCUMENT / INFORMATION] is 1) not a “public record” as defined by  
29 Del. C. § 10002(o) (l) because it is \_\_\_\_\_

\_\_\_\_\_  
[DESCRIPTION OF REASON AND SPECIFIC EXEMPTION UNDER 29 Del. C. § 10002(l)];  
and 2) is not subject to inspection by either the public or by other parties unless an appropriate  
proprietary agreement is executed.

As such, I request that the Delaware Public Service Commission accord confidential treatment to

\_\_\_\_\_  
[DESCRIPTION OF DOCUMENT / INFORMATION]  
in accordance with 26 Del. Admin. C. § 1001-1.11.

In compliance with 26 Del. Admin. C. § 1001-1.11.3, I have submitted, attached to this Attestation,  
for filing a copy of the document described above without the confidential information, with an  
indication that the claimed confidential information has been deleted.

\_\_\_\_\_  
Signature of Company Representative

\_\_\_\_\_  
Date

NOTARY

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Sworn and subscribed before me on \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Printed Name

[SEAL]

\_\_\_\_\_  
Signature of Notary

My Commission expires: \_\_\_\_\_

**PJM Entity Designation Information: If applicant answered “NO” to question 14, please provide the following information and documents:**

**14a. Financial Information:** Provide evidence of long-term financial viability to provide service in the State, including:

If publicly traded, the applicant’s:

- a. Certified financial statement current within 12 months of filing; and
- b. Most recent annual report to shareholders and SEC Form 10-K (or a link to the report on the SEC website)

If not publicly traded, the applicant’s accounting statements, including balance sheet and income statement, audited financial statement, bank account statements, tax returns, or other indica of financial capability, or, if applicable, the certified financial statements of a publicly traded parent company.

**14b. Bankruptcy:** Has the applicant, any of its affiliated interests, or any current or previous officer, director, or manager filed for bankruptcy in the past 24 months?

☐ Yes\*

☐ No

\*If yes, include a detailed explanation. Attached as **Exhibit** \_\_\_\_\_.

**14c. Operational Experience:** Provide evidence of technical and operational fitness to construct and operate renewable energy interconnection facilities, including:

- a. A description of the applicant’s experience, including:
  - i. A description of the applicant's experience in constructing and operating renewable energy interconnection facilities in other states and an assessment of its long-term viability as a renewable energy interconnection facility.
  - ii. A description of the applicant's experience with any transmission project in the PJM region.
- b. Documentation on the need for and the impact of the proposed renewable energy interconnection facilities on the safe, adequate and reliable operation of delivery of electric supply services.
- c. Detailed information on the engineering and technical design of the proposed facility.