

**GOVERNMENT OF THE VIRGIN ISLANDS
OF THE UNITED STATES**

Public Services Commission

IN RE:)	Docket No. 585
)	Order No. <u>36</u>/2010
Wintdots Development, LLC and)	
Wintdots Power, LLC Application for)	
Qualifying Facility Status, Interconnection)	
And Sale Order)	
_____)	

Order

WHEREAS, on November 18, 2009, Wintdots Development, LLC and Wintdots Power, LLC (hereinafter, collectively “Wintdots”) filed an application with the Virgin Islands Public Services Commission (“PSC” or the “Commission”) for Qualifying Facility Status, Interconnection with the Virgin Islands Water and Power Authority (“WAPA” or the “Authority”) and Sale Order; and

WHEREAS, on March 2, 2010, the Commission met in regular session at its offices located at Barbel Plaza, St. Thomas, U. S. Virgin Islands; and

WHEREAS, after review and deliberation, the Commission voted to conditionally approve Wintdots’ application for Qualifying Facility Status in accordance with 30 V.I.C. § 49 and 30 V.I.R & R §002-5, subject to the following conditions:

1. Wintdots’ original petition for Qualifying Facility Certification shall be treated as an application for a small power production facility, not a cogeneration facility as filed;
2. The net output of the facility shall not exceed fifteen (15) megawatts;
3. The location of the facility shall be at the Flag Hill site as specified on pages three (3) and four (4) of the original application; (see attached)
4. Wintdots shall provide the Commission within six (6) months of the final order in this proceeding a certificate and supporting workpapers, which the Commission deems to be acceptable, signed by a registered geologist affirmatively indicating that the potential for geothermal energy exists at the this site or is reasonably probable based upon observed measurements and analysis and is in sufficient quantities to cost-effectively produce up to fifteen (15) megawatts of electric power;
5. Wintdots shall within one (1) year successfully execute power purchase and interconnection agreements (the “Agreements”) with the Authority and bring to the Commission for consideration these Agreements or bring to the Commission for


resolution any dispute with WAPA concerning the terms and conditions of the Agreements;

6. Wintdots' earlier petition to the Commission to order WAPA to take all necessary actions to make effective a physical interconnection and enter into an agreement to purchase electricity from Wintdots is deemed premature and shall be **DENIED**. Wintdots is free to resubmit these petitions at a later time following: (i.) the Commission accepting public comments; (ii.) holding public hearings that allow WAPA to present its proposed Qualifying Facility Avoided Costs, and giving stakeholders the opportunity to review WAPA's Avoided Cost filing; (iii.) Commission review and approval of the Qualifying Facility Avoided Energy Costs pursuant to 30 V.I.R. & R §§ 9, 10, & 12; and (iv.) Wintdots and WAPA failing to resolve any dispute concerning the terms and conditions of the Agreements;
7. Wintdots shall within thirty (30) days notify the Commission of any material change in the development plan outlined in its November 18, 2009 Qualifying Facility Certification application, as amended;
8. Failure to meet any of the conditions outlined in this motion will subject Wintdots to the revocation of its Qualifying Facility Certification.

NOW THEREFORE, it is hereby **ORDERED** that Wintdots' Application for Qualifying Facility Status subject to the aforementioned conditions is **GRANTED**.

For the Commission

Dated: 03/13, 2010



Joseph B. Boschulte, Chair