

**State of California
AIR RESOURCES BOARD**

Executive Order DG-013

Distributed Generation Certification of

FuelCell Energy, Inc.

300 kW DFC300MA/C300 Fuel Cell

WHEREAS, the Air Resources Board (ARB) was given the authority under California Health and Safety Code section 41514.9 to establish a statewide Distributed Generation (DG) Certification Program to certify electrical generation technologies that are exempt from the permit requirements of air pollution control or air quality management districts;

WHEREAS, this DG Certification does not constitute an air pollution permit or eliminate the responsibility of the end user to comply with all federal, state, and local laws, rules and regulations;

WHEREAS, on October 20, 2006, FuelCell Energy, Inc. applied for a DG Certification of its 300 kW DFC300MA/C300 fuel cell and whose application was deemed complete on November 9, 2006;

WHEREAS, FuelCell Energy, Inc. has demonstrated, according to test methods specified in title 17, California Code of Regulations (CCR), section 94207, that its natural-gas-fueled 300 kW DFC300MA/C300 fuel cell has complied with the following emission standards:

1. Emissions of oxides of nitrogen no greater than 0.07 pounds per megawatt-hour;
2. Emissions of carbon monoxide no greater than 0.10 pounds per megawatt-hour; and
3. Emissions of volatile organic compounds no greater than 0.02 pounds per megawatt-hour;

WHEREAS, FuelCell Energy, Inc. has demonstrated that its 300 kW DFC300MA/C300 fuel cell complies with the emission durability requirements in title 17, CCR, section 94203 (d);

WHEREAS, I find that the Applicant, FuelCell Energy, Inc., has met the requirements specified in article 3, title 17, CCR, and has satisfactorily demonstrated that the 300 kW DFC300MA/C300 fuel cell meets the DG Certification Regulation 2007 Fossil Fuel Emission Standards;

WHEREAS, FuelCell Energy, Inc. was issued a DG Certification on January 9, 2006, for its 300 kW DFC300MA/C300 fuel Cell;
WHEREAS, FuelCell Energy, Inc. on October 27, 2010, requested an extension of the certification of the 300 kW DFC300MA/C300 fuel cell, wherein it was noted that no material changes to model form, fit, or function have been made;

WHEREAS, FuelCell Energy, Inc. on September 14, 2015, requested an extension of the certification of the 300 kW DFC300MA/C300 fuel cell, wherein it was noted that no material changes to model form, fit, or function have been made;

NOW, THEREFORE, IT IS HEREBY ORDERED that a DG Certification, Executive Order DG-013, originally executed at Sacramento, California on January 9, 2007, is hereby extended.

This DG Certification:

- 1) Is subject to all conditions and requirements of the ARB's DG Certification Program, article 3, title 17, CCR, including the provisions relating to inspection, denial, suspension, and revocation;
- 2) Shall be void if any manufacturer's modification results in an increase in emissions or changes the efficiency or operating conditions of a model, such that the model no longer meets the DG Certification Regulation 2007 Fossil Fuel Emission Standards;
- 3) Shall expire on the 9th day of January 2021.

Executed at Sacramento, California, this 3 day of February 2016.

/S/

Floyd V. Vergara, Esq., P.E.
Chief, Industrial Strategies Division