

State of California
AIR RESOURCES BOARD
Executive Order DG-026
Distributed Generation Certification of
FuelCell Energy, Inc.
DFC-1500B 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 April 15, 2008, FuelCell Energy, Inc. applied for a DG Certification of its 1,200 kW, DFC-1500B fuel cell and whose application was deemed complete on May 13, 2008;

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 DFC-1500B 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 DFC-1500B fuel cell complies with the emissions 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 DFC-1500B fuel cell meets the DG Certification Regulation 2007 Fossil Fuel Emission Standards;

NOW THEREFORE, IT IS HEREBY ORDERED, that a DG Certification, Executive Order DG-026 is granted.

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 10th day of June, 2013.

Executed at Sacramento, California, this 10th day of June 2008,

James Goldstene
Executive Officer
by

/s/

Robert D. Fletcher, Chief
Stationary Source Division