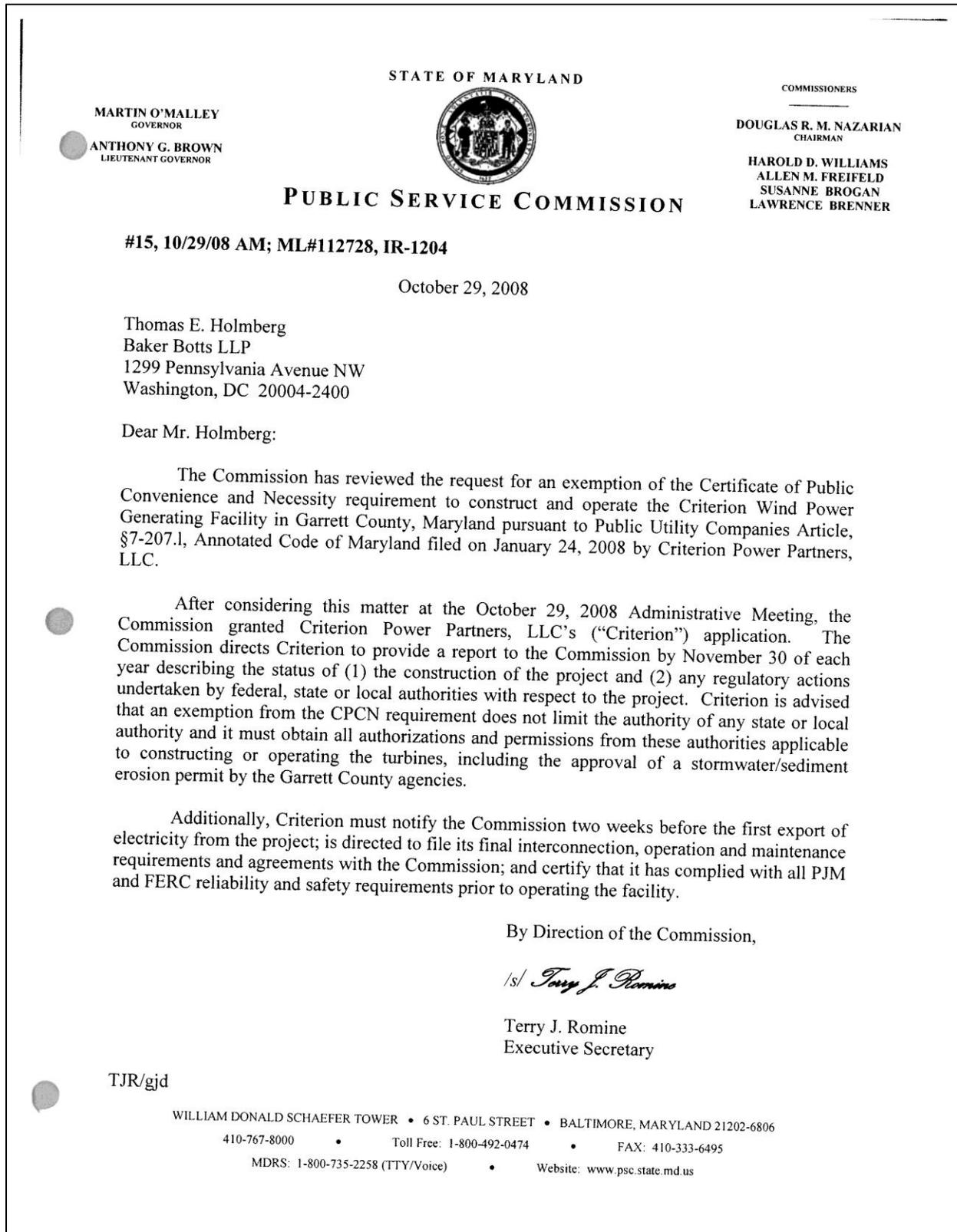


**APPENDIX A**  
**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY WAIVER**



STATE OF MARYLAND

MARTIN O'MALLEY  
GOVERNOR

ANTHONY G. BROWN  
LIEUTENANT GOVERNOR



COMMISSIONERS

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HAROLD D. WILLIAMS  
ALLEN M. FREIFELD  
SUSANNE BROGAN  
LAWRENCE BRENNER

PUBLIC SERVICE COMMISSION

#15, 10/29/08 AM; ML#112728, IR-1204

October 29, 2008

Thomas E. Holmberg  
Baker Botts LLP  
1299 Pennsylvania Avenue NW  
Washington, DC 20004-2400

Dear Mr. Holmberg:

The Commission has reviewed the request for an exemption of the Certificate of Public Convenience and Necessity requirement to construct and operate the Criterion Wind Power Generating Facility in Garrett County, Maryland pursuant to Public Utility Companies Article, §7-207.1, Annotated Code of Maryland filed on January 24, 2008 by Criterion Power Partners, LLC.

After considering this matter at the October 29, 2008 Administrative Meeting, the Commission granted Criterion Power Partners, LLC's ("Criterion") application. The Commission directs Criterion to provide a report to the Commission by November 30 of each year describing the status of (1) the construction of the project and (2) any regulatory actions undertaken by federal, state or local authorities with respect to the project. Criterion is advised that an exemption from the CPCN requirement does not limit the authority of any state or local authority and it must obtain all authorizations and permissions from these authorities applicable to constructing or operating the turbines, including the approval of a stormwater/sediment erosion permit by the Garrett County agencies.

Additionally, Criterion must notify the Commission two weeks before the first export of electricity from the project; is directed to file its final interconnection, operation and maintenance requirements and agreements with the Commission; and certify that it has complied with all PJM and FERC reliability and safety requirements prior to operating the facility.

By Direction of the Commission,

*/s/ Terry J. Romine*

Terry J. Romine  
Executive Secretary

TJR/gjd

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