

FOR BOARD ACTION

Agenda Item # 5

Meeting Date:

7/27/04

SUBJECT: APPOINTMENT OF DESIGNATED REPRESENTATIVE
(Acid Rain Program (40 CFR Part 72 Subpart B))

PREPARED BY: Joseph S. Hensel, Director of Field Services

ITEM DESCRIPTION:

Under the Acid Rain Program (40 CFR Part 72 Subpart B attached) owners and operators for each affected source must designate a representative. The designated representative (DR) is defined as a responsible person or official authorized by the owner or operator of an affected source to represent the owner/operator in matters pertaining to the holding, transfer or disposition of allowances, the submission of permit applications, monitoring plans, emissions reports, compliance certifications, etc. The regulations also provide for an alternate designated representative (ADR) to act in lieu of the DR.

The DR and ADR must be selected by an agreement binding the owner/ operator, and providing all necessary authority to carry out the duties and responsibilities of the Acid Rain Program on behalf of the owner/ operator. The owner/operator must agree to be bound by the actions and submissions of the DR and to be bound by orders issued to the DR by the U.S. EA or state permitting authority.

Acid Rain Program affected units owned by RPU include Silver Lake Plant Unit 4 and Cascade Creek Station Combustion Turbines 1 and 2. The RPU Board has designated Walt Lorber as Designated Representative (DR) and Joseph Hensel as Alternate Designated Representative (ADR). The original agreement designating DR and ADR was executed in 1994.

Due to the recent restructuring of the RPU organization, the direct operating responsibilities of the affected units fall under the Director of Power Resources. Therefore, the Board is requested to designate Walter Schlink, Director of Power Resources, as DR. Joseph Hensel, Director of Field Services, will continue as ADR.

Attached are:

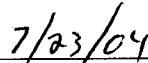
- Copy of EPA regulations 40 CFR 72 Subpart B
- Updated agreement designating DR and ADR
- Resolution

UTILITY BOARD ACTION REQUESTED:

The Board is requested to designate Walter Schlink as Designated Representative and reaffirm Joseph Hensel as Alternate Designated Representative, and approve the agreement for execution by Mayor and City Clerk.



General Manager



Date

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such generator is required to produce for sale under the interconnection agreement or related power purchase agreement (to the extent they are still in effect) and the successor agreement shall not exceed the total amount of electricity that such generator was required to produce for sale under the interconnection agreement or related power purchase agreement under paragraph (a)(2) of this section.

(iii) Notwithstanding § 72.30(b) and (c), the designated representative for a unit that loses its exemption under this section shall submit a complete Acid Rain permit application on the later of January 1, 1998 or 60 days after the first date on which the unit is no longer exempt.

(iv) For the purpose of applying monitoring requirements under part 75 of this chapter, a unit that loses its exemption under this section shall be treated as a new unit that commenced commercial operation on the first date on which the unit is no longer exempt.

[62 FR 55478, Oct. 24, 1997]

Subpart B—Designated Representative

§ 72.20 Authorization and responsibilities of the designated representative.

(a) Except as provided under § 72.22, each affected source, including all affected units at the source, shall have one and only one designated representative, with regard to all matters under the Acid Rain Program concerning the source or any affected unit at the source.

(b) Upon receipt by the Administrator of a complete certificate of representation, the designated representative of the source shall represent and, by his or her actions, inactions, or submissions, legally bind each owner and operator of the affected source represented and each affected unit at the source in all matters pertaining to the Acid Rain Program, notwithstanding any agreement between the designated representative and such owners and operators. The owners and operators shall be bound by any order issued to the designated representative by the Administrator, the permitting authority, or a court.

40 CFR Ch. I (7–1–00 Edition)

(c) The designated representative shall be selected and act in accordance with the certifications set forth in § 72.24(a) (4), (5), (7), and (9).

(d) No Acid Rain permit shall be issued to an affected source, nor shall any allowance transfer be recorded for an Allowance Tracking System account of an affected unit at a source, until the Administrator has received a complete certificate of representation for the designated representative of the source and the affected units at the source.

§ 72.21 Submissions.

(a) Each submission under the Acid Rain Program shall be submitted, signed, and certified by the designated representative for all sources on behalf of which the submission is made.

(b) In each submission under the Acid Rain Program, the designated representative shall certify, by his or her signature:

(1) The following statement, which shall be included verbatim in such submission: "I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made."

(2) The following statement, which shall be included verbatim in such submission: "I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(c) The Administrator and the permitting authority shall accept or act on a submission made on behalf of owners or operators of an affected source and an affected unit only if the submission has been made, signed, and certified in accordance with paragraphs (a) and (b) of this section.

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(d)(1) The designated representative of a source shall serve notice on each owner and operator of the source and of an affected unit at the source:

(i) By the date of submission, of any Acid Rain Program submissions by the designated representative and

(ii) Within 10 business days of receipt of a determination, of any written determination by the Administrator or the permitting authority,

(iii) Provided that the submission or determination covers the source or the unit.

(2) The designated representative of a source shall provide each owner and operator of an affected unit at the source a copy of any submission or determination under paragraph (d)(1) of this section, unless the owner or operator expressly waives the right to receive such a copy.

(e) The provisions of this section shall apply to a submission made under parts 73, 74, 75, 76, 77, and 78 of this chapter only if it is made or signed or required to be made or signed, in accordance with parts 73, 74, 75, 76, 77, and 78 of this chapter, by:

(1) The designated representative; or

(2) The authorized account representative or alternate authorized account representative of a unit account.

[58 FR 3650, Jan. 11, 1993, as amended at 60 FR 17113, Apr. 4, 1995]

§ 72.22 Alternate designated representative.

(a) The certificate of representation may designate one and only one alternate designated representative, who may act on behalf of the designated representative. The agreement by which the alternate designated representative is selected shall include a procedure for the owners and operators of the source and affected units at the source to authorize the alternate designated representative to act in lieu of the designated representative.

(b) Upon receipt by the Administrator of a complete certificate of representation that meets the requirements of § 72.24 (including those applicable to the alternate designated representative), any action, representation, or failure to act by the alternate designated representative shall be deemed to be an action, representation,

or failure to act by the designated representative.

(c) In the event of a conflict, any action taken by the designated representative shall take precedence over any action taken by the alternate designated representative if, in the Administrator's judgement, the actions are concurrent and conflicting.

(d) Except in this section, § 72.23, and § 72.24, whenever the term "designated representative" is used under the Acid Rain Program, the term shall be construed to include the alternate designated representative.

(e)(1) Notwithstanding paragraph (a) of this section, the certification of representation may designate two alternate designated representatives for a unit if:

(i) The unit and at least one other unit, which are located in two or more of the contiguous 48 States or the District of Columbia, each have a utility system that is a subsidiary of the same company; and

(ii) The designated representative for the units under paragraph (e)(1)(i) of this section submits a NO_x averaging plan under § 76.11 of this chapter that covers such units and is approved by the permitting authority, *provided* that the approved plan remains in effect.

(2) Except in this paragraph (e), whenever the term "alternate designated representative" is used under the Acid Rain Program, the term shall be construed to include either of the alternate designated representatives authorized under this paragraph (e). Except in this section, § 72.23, and § 72.24, whenever the term "designated representative" is used under the Acid Rain Program, the term shall be construed to include either of the alternate designated representatives authorized under this paragraph (e).

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55480, Oct. 24, 1997]

§ 72.23 Changing the designated representative, alternate designated representative; changes in the owners and operators.

(a) *Changing the designated representative.* The designated representative

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may be changed at any time upon receipt by the Administrator of a superseding complete certificate of representation. Notwithstanding any such change, all submissions, actions, and inactions by the previous designated representative prior to the time and date when the Administrator receives the superseding certificate of representation shall be binding on the new designated representative and on the owners and operators of the source represented and the affected units at the source.

(b) *Changing the alternate designated representative.* The alternate designated representative may be changed at any time upon receipt by the Administrator of a superseding complete certificate of representation. Notwithstanding any such change, all submissions, actions, and inactions by the previous alternate designated representative prior to the time and date when the Administrator receives the superseding certificate of representation shall be binding on the new alternate designated representative and on the owners and operators of the source represented and the affected units at the source.

(c) *Changes in the owners and operators.* (1) In the event a new owner or operator of an affected source or an affected unit is not included in the list of owners and operators submitted in the certificate of representation, such new owner or operator shall be deemed to be subject to and bound by the certificate of representation, the submissions, actions, and inactions of the designated representative and any alternate designated representative of the source or unit, and the decisions, actions, and inactions of the Administrator and permitting authority, as if the new owner or operator were included in such list.

(2) Within 30 days following any change in the owners and operators of an affected unit, including the addition of a new owner or operator, the designated representative or any alternate designated representative shall submit a revision to the certificate of representation amending the list of owners and operators to include the change.

40 CFR Ch. I (7-1-00 Edition)

§ 72.24 Certificate of representation.

(a) A complete certificate of representation for a designated representative or an alternate designated representative shall include the following elements in a format prescribed by the Administrator:

(1) Identification of the affected source and each affected unit at the source for which the certificate of representation is submitted.

(2) The name, address, and telephone and facsimile numbers of the designated representative and any alternate designated representative.

(3) A list of the owners and operators of the affected source and of each affected unit at the source.

(4) The following statement: "I certify that I was selected as the 'designated representative' or 'alternate designated representative,' as applicable, by an agreement binding on the owners and operators of the affected source and each affected unit at the source."

(5) The following statement: "I certify that I have given notice of the agreement, selecting me as the 'designated representative' for the affected source and each affected unit at the source identified in this certificate of representation, in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice."

(6) The following statement: "I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and of each affected unit at the source and that each such owner and operator shall be fully bound by my actions, inactions, or submissions."

(7) The following statement: "I certify that I shall abide by any fiduciary responsibilities imposed by the agreement by which I was selected as 'designated representative' or 'alternate designated representative,' as applicable."

(8) The following statement: "I certify that the owners and operators of the affected source and of each affected unit at the source shall be bound by

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any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.”

(9) The following statement: “Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, I certify that:

(i) “I have given a written notice of my selection as the ‘designated representative’ or ‘alternate designated representative’, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

(ii) “Allowances and proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder’s legal, equitable, leasehold, or contractual reservation or entitlement or, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.”

(10) If an alternate designated representative is authorized in the certificate of representation, the following statement: “The agreement by which I was selected as the alternate designated representative includes a procedure for the owners and operators of the source and affected units at the source to authorize the alternate designated representative to act in lieu of the designated representative.”

(11) The signature of the designated representative and any alternate designated representative who is authorized in the certificate of representation and the date signed.

(b) Unless otherwise required by the Administrator or the permitting authority, documents of agreement or notice referred to in the certificate of representation shall not be submitted to the Administrator or the permitting authority. Neither the Administrator nor the permitting authority shall be under any obligation to review or

evaluate the sufficiency of such documents, if submitted.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55480, Oct. 24, 1997]

§ 72.25 Objections.

(a) Once a complete certificate of representation has been submitted in accordance with § 72.24, the Administrator will rely on the certificate of representation unless and until a superseding complete certificate is received by the Administrator.

(b) Except as provided in § 72.23, no objection or other communication submitted to the Administrator or the permitting authority concerning the authorization, or any submission, action or inaction, of the designated representative shall affect any submission, action, or inaction of the designated representative, or the finality of any decision by the Administrator or permitting authority, under the Acid Rain Program. In the event of such communication, the Administrator and the permitting authority are not required to stay any allowance transfer, any submission, or the effect of any action or inaction under the Acid Rain Program.

(c) Neither the Administrator nor any permitting authority will adjudicate any private legal dispute concerning the authorization or any submission, action, or inaction of any designated representative, including private legal disputes concerning the proceeds of allowance transfers.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55480, Oct. 24, 1997]

Subpart C—Acid Rain Permit Applications

§ 72.30 Requirement to apply.

(a) *Duty to apply.* The designated representative of any source with an affected unit shall submit a complete Acid Rain permit application by the applicable deadline in paragraphs (b) and (c) of this section, and the owners and operators of such source and any affected unit at the source shall not operate the source or unit without a permit that states its Acid Rain program requirements.

Agreement for
DESIGNATED REPRESENTATIVES OF AFFECTED SOURCE

This agreement (“Agreement”) made and entered this _____ day of _____, 2004, by and between the City of Rochester, a Minnesota municipal corporation, its successors and assigns, acting through its Public Utility Board (“Rochester Public Utilities” or “RPU”), and those individual persons employed in the RPU positions of Director of Power Resources (“Director of Power Resources” or “DR”) and Director of Field Services (“Director of Field Services” or “ADR”) with RPU, DR and ADR being sometimes hereinafter referred to singly as a “Party” and collectively as “Parties”.

WHEREAS, Title IV of the federal Clean Air Act Amendments of 1990 (“CAAA”) require that certain owners of electric generators designate one Representative and, if desired, one Alternate Representative, to act on their behalf, and

WHEREAS, Rochester Public Utilities owns and operates such an affected units as defined by Title IV of the CAAA, and

WHEREAS, Rochester Public Utilities wishes to designate those individuals employed in the positions of Director of Power Resources and Director of Field Services to act on its behalf as Representative and Alternate Representative, respectively, and

WHEREAS, such designation would result in significant personal liability being placed on those individuals in making such representation, and

WHEREAS, the individual employees would not receive specific remuneration for these responsibilities,

NOW THEREFORE, the Parties mutually covenant and agree as follows:

ARTICLE I
CERTAIN DEFINITIONS

The following terms shall have the following meanings for all purposes of this Agreement.

1. ADR shall mean Alternate Designated Representative as defined in 40 CFR 72.2.
2. Affected Source shall mean an existing generating unit with a capacity output of 25 Megawatts or greater, or any new unit.
3. Appointee shall mean a person who has been designated and has agreed to act as RPU’s Designated Representative or Alternate Designated Representative under the provisions of this Agreement.

4. CAAA shall mean the requirements of Title IV of the Clean Air Act, as amended November 15, 1990, by Public Law 101-549, 42 U.S.C. 7651.
5. Certificate of Representation shall mean Environmental Protection Agency Form OMB No. 2060-0221.
6. DR shall mean Designated Representative as defined in 40 CFR 72.2.
7. Director of Field Services shall mean the person employed by RPU in the position of Director of Field Services.
8. Director of Power Resources shall mean the person employed by RPU in the position of Director of Power Resources.
9. General Manager shall mean the person employed by RPU in the position of General Manager.

ARTICLE II
DESIGNATION OF REPRESENTATION

- 2.1 Pursuant to the requirements of Title IV of the federal CAAA, at 40 CFR 72 Subpart B, the present and future persons employed in the following RPU positions are henceforth designated to represent RPU in accordance with the provisions of the CAAA:

Director of Power Resources:	<u>Designated Representative</u>
Director of Field Services:	<u>Alternate Designated Representative</u>
- 2.2 Such appointment is to the individual person permanently employed in each named position, and who is a signatory to this Agreement or is bound to the terms of this Agreement through the execution of Exhibit A.
- 2.3 Subject to the Term of Agreement provision, RPU's General Manager is henceforth authorized to appoint, through the execution of Exhibit A, any new replacement employees permanently hired into the above positions to act as the DR or ADR under the provisions of this Agreement.
- 2.4 Appointments to act as CAAA representatives to persons not in the positions named in Paragraph 2.1 shall be approved by the RPU Board through an amended or new agreement.

ARTICLE III
RESPONSIBILITIES OF THE REPRESENTATIVES

- 3.1 The Director of Power Resources and Director of Field Services shall act on behalf of RPU under the authority granted by Title IV of the CAAA to the appointed positions of DR and ADR, respectively. Such authority is granted solely to the DR except as expressly delegated to the ADR by the DR and except as stated below. Such authority shall include, but is not limited to:
- 3.1.1 Execution of the Certificate of Representation (Exhibit B).
 - 3.1.2 Legally binding the owner and operator of the Affected Source in all matters pertaining to the Act.
 - 3.1.3 Certifying, under penalty of law, those submittals required by the Act.
 - 3.1.4 [Notwithstanding the authority delegated in their job descriptions,] Directing the operating personnel of RPU's affected generating units to operate such units within the guidelines of the CAAA.
 - 3.1.5 With prior approval of the General Manager, committing RPU to certain allowance transactions (buying or selling) deemed prudent for RPU's operations. The financial consequences of such commitments shall be the responsibility of RPU.
- 3.2 The ADR shall act as DR 1) for time periods as delegated by the DR, and 2) in the event that the DR has not expressly delegated such authority and is not available to perform such duties of the DR that may need to be performed in conformance with CAAA regulations. Such delegation of authority by the DR or such authority assumed by the ADR shall be documented using Exhibit C and retained as a permanent record.

ARTICLE IV
RESPONSIBILITIES OF RPU

- 4.1 RPU shall indemnify and hold harmless such appointed persons which are acting, or have acted in the past, on behalf of RPU under the provisions of this agreement, against liability for civil forfeitures or penalties and for any fines resulting from criminal prosecutions, provided such prosecutions are not the result of willful misconduct of the appointed persons.
- 4.2 RPU shall pay directly the cost of all reasonable legal and expert witness fees incurred by such appointed persons in defending themselves against charges brought within the ambit of Paragraph 4.1.

- 4.3 In the event that such appointed persons are incarcerated or detained from normal employment upon conviction of violating any laws to which their appointment has subjected them (under circumstances not involving willful misconduct of the appointees), RPU shall pay their normal employment wages and benefits during the full period of their incarceration. Upon an appointee's release from incarceration, RPU shall continue to make such payments until the appointee is offered or finds comparable employment. In the event RPU desires to dispute all or any part of the lost income charges submitted by an appointee, PRU shall nevertheless pay the full amount of the charges within 30 days and give notification in writing within 60 days from the date of the submittal stating the grounds on which the charges are disputed and the amount in dispute.
- 4.4 The assurance provided by this agreement shall be in addition to any indemnity otherwise authorized for the appointees as employees of RPU.
- 4.5 RPU shall cause the written position descriptions for Director of Power Resources and Director of Field Services to include the responsibilities of DR and ADR respectively.

ARTICLE V TERM OF AGREEMENT

- 5.1 This Agreement shall become effective on the date entered above and shall remain binding upon PRU and any current or future signatory appointee.
- 5.2 RPU, acting through its General Manager, may terminate this Agreement with an appointee immediately by giving written notice to the appointee. Such termination does not diminish RPU's assurances under Article IV above.
- 5.3 Except for the assurances provided under Article IV above, the covenants of this Agreement shall cease to be applicable to an appointee upon an appointee's cessation of active, full-time employment in the position of Director of Power Resources or Director of Field Services.

ARTICLE VI MISCELLANEOUS

- 6.1 This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed as of the date first set forth above.

CITY OF ROCHESTER

DESIGNATED REPRESENTATIVE

Its Mayor

Director of Power Resources

Its City Clerk

ALTERNATE DESIGNATED
REPRESENTATIVE

ROCHESTER PUBLIC UTILITIES

Director of Field Services

Its General Manager

EXHIBIT A
APPOINTMENT OF DESIGNATED REPRESENTATIVE OR ALTERNATE

Rochester Public Utilities' (RPU's) General Manager, acting on behalf of the Public Utility Board in accordance with the provisions of the Agreement for Designated Representatives of Affected Source ("Agreement"), hereby appoints:

Appointee

as RPU's _____ Designated Representative

_____ Alternate Designated Representative

for purposes of ensuring compliance with Title IV of the Clean Air Act Amendments of 1990 as it pertains to RPU's generating facilities.

The execution of this document fully binds the appointee to the provisions of the Agreement. The appointee has been given a copy of and has read the Agreement and understands the responsibilities and liabilities hereby assumed. Within ten (10) days, the appointee will execute a Certificate of Representation (Exhibit B), and shall be responsible for the transmittal of the Certificate to the Environmental Protection Agency.

IN WITNESS WHEREOF, the parties hereto have caused this document to be duly executed as of the date set forth below.

Date: _____

ROCHESTER PUBLIC UTILITIES

APPOINTEE

General Manager

Name

Position



Certificate of Representation

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For more information, see instructions and refer to 40 CFR 72.24

This submission is: • New • Revised (revised submissions must be complete; see instructions)

STEP 1 Identify the source by plant name, State, and ORIS code.

Form with fields: Plant Name, State, ORIS Code

STEP 2 Enter requested information for the designated representative.

Form with fields: Name, Address, Phone Number, Fax Number, E-mail address (if available)

STEP 3 Enter requested information for the alternate designated representative, if applicable.

Form with fields: Name, Phone Number, Fax Number, E-mail address (if available)

STEP 4: Complete Steps 5 and 6, read the certifications, sign and date.

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the affected source and each affected unit at the source.

I certify that I have given notice of the agreement, selecting me as the 'designated representative' for the affected source and each affected unit at the source identified in this certificate of representation, in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice.

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and of each affected unit at the source and that each such owner and operator shall be fully bound by my actions, inactions, or submissions.

I certify that I shall abide by any fiduciary responsibilities imposed by the agreement by which I was selected as designated representative or alternate designated representative, as applicable.

I certify that the owners and operators of the affected source and of each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, I certify that:

I have given a written notice of my selection as the designated representative or alternate designated representative, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

Allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement or, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

The agreement by which I was selected as the alternate designated representative, if applicable, includes a procedure for the owners and operators of the source and affected units at the source to authorize the alternate designated representative to act in lieu of the designated representative.

Plant Name (from Step 1)

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Signature (designated representative)	Date
Signature (alternate designated representative)	Date

STEP 5
Provide the name of every owner and operator of the source and identify each affected unit they own and/or operate.

Name					● Owner ● Operator	
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					● Owner ● Operator	
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					● Owner ● Operator	
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

STEP 6
For any new affected units listed at STEP 5 that have not commenced commercial operation, enter the projected date on which the unit is expected to commence commercial operation.

ID#	Projected Commence Commercial Operation Date:
ID#	Projected Commence Commercial Operation Date:
ID#	Projected Commence Commercial Operation Date:
ID#	Projected Commence Commercial Operation Date:



RESOLUTION

BE IT RESOLVED by the Public Utility Board of the City of Rochester, Minnesota, to designate Walter Schlink as Designated Representative and reaffirm Joseph Hensel as Alternate Designated Representative under the Acid Rain Program (40 CFR Part 72 Subpart B), and to request the Mayor and the City Clerk to execute the agreement for

Designated Representatives of Affective Source

Passed by the Public Utility Board of the City of Rochester, Minnesota, this 27th day of July 2004.

President

Secretary