

**Before The Oregon Department Of Energy  
Energy Facility Siting Council**

**NOTICE OF INTENT**

To Apply For A  
Site Certificate Regarding The

**NEWBERRY GEOTHERMAL  
PROJECT**

**July 2008**

Submitted by:  
Newberry Geothermal Holdings LLC

Prepared by:  
PLS Environmental, LLC

# **EXHIBIT A: INFORMATION ABOUT THE APPLICANT AND PARTICIPATING PERSONS**

**OAR 345-020-0011**

*(a) Exhibit A. Information about the applicant and participating persons, including:*

*(A) The name and address of the applicant including all co-owners of the proposed facility, the name, mailing address, and telephone number of the contact person for the NOI, and if there is a contact person other than the applicant, the name, title, mailing address and telephone number of that person;*

## **RESPONSE**

### **Response**

Newberry Geothermal Holdings LLC  
300 Atlantic Street, Suite 301  
Stamford CT 06901  
Attn: Douglas S. Perry  
Phone: (203) 276-1600  
Fax: (203) 406-9863  
Email: dperry@davenportpower.com

Contact persons other than applicant:

Paul L. Stern  
PLS Environmental, LLC  
961 Lincoln Place  
Boulder, CO 80302  
(303) 442-4259  
Fax: (303) 442-4259  
Email: paulstern@mac.com

Attorney:  
John A. Cameron  
Davis Wright Tremaine, LLC  
Suite 2300  
1300 SW Fifth Avenue  
Portland, Oregon 97201  
(503) 241-2300  
Fax: (503) 778-5299  
Email: johncameron@dwt.com

*(B) The contact name, address, and telephone number of all participating persons, other than individuals, including but not limited to any parent corporation of the applicant, persons upon whom the applicant will rely for third-party permits or approvals related to the facility, and persons upon whom the applicant will rely in meeting any facility standard adopted by the Council.*

### **Response:**

Douglas S. Perry, President  
Davenport Power LLC, Operator  
300 Atlantic Street, Suite 301  
Stamford CT 06901  
Phone: (203) 276-1600  
Fax: (203) 406-9863  
Email: dperry@davenportpower.com

Newberry Geothermal Holdings LLC  
300 Atlantic Street, Suite 301  
Stamford CT 06901  
Phone: (203) 276-1600  
Fax: (203) 406-9863  
Email: dperry@davenportpower.com

*(C) If the applicant is a corporation, it shall give:*

*(i) The full name, official designation, mailing address and telephone number of the officer responsible for submitting the NOI;*

**Response**

The applicant is a limited liability company, not a corporation. The requested information is as follows:

Douglas S. Perry, President  
Davenport Power LLC, Operator; Newberry Geothermal Holdings LLC  
300 Atlantic Street, Suite 301  
Stamford CT 06901  
(203) 276-1600

*(ii) The date and place of its incorporation;*

**Response:**

Newberry Geothermal Holdings LLC was formed in Delaware on December 7, 2007.

*(iii) A copy of its articles of incorporation and its authorization for submitting the NOI; and*

**Response:**

The authorization for submitting the NOI, as well as the Certificate of Formation are both included at the end of Exhibit A as Appendices A-1 and A-2.

*(iv) In the case of a corporation not incorporated in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.*

**Response:**

The resident attorney-in-fact in the State of Oregon is:

John A. Cameron  
Davis Wright Tremaine LLP  
1300 SW Fifth Avenue, Suite 2300  
Portland, OR 97201-5630  
(503) 241-2300  
Email: johncameron@dwt.com

The proof of registration to do business in Oregon is attached at the end of Exhibit A as Appendix A-3.

*(D) If the applicant is a wholly owned subsidiary of a company, corporation, or other business entity, in addition to the information required by paragraph (C), it shall give the full name and business address of each of the applicant's full or partial owners;*

**Response:**

Not Applicable

*(E) If the person submitting the NOI is an association of citizens, a joint venture or a partnership, it shall give:*

*(i) The full name, official designation, mailing address and telephone number of the person responsible for submitting the NOI;*

*(ii) The name, business address, and telephone number of each person participating in the association, joint venture or partnership and the percentage interest held by each;*

*(iii) Proof of registration to do business in Oregon;*

*(iv) A copy of its articles of association, joint venture agreement or partnership agreement and a list of its members and their cities of residence; and*

*(v) If there are no articles of association, joint venture agreement or partnership agreement, the applicant shall state that fact over the signature of each member;*

**Response to all:**

Not applicable.

*(F) If the applicant is a public or governmental entity, it shall give:*

*(i) The full name, official designation, mailing address and telephone number of the person responsible for submitting the NOI; and*

*(ii) Written authorization from the entity's governing body to submit an NOI;*

**Response to all:**

Not applicable.

*(G) If the applicant is an individual, the individual shall give his or her mailing address and telephone number;*

**Response:**

Not applicable.

***APPENDIX A-1: AUTHORIZATION FOR SUBMITTING THE NOI***

**CONSENT TO ACTION  
OF  
THE MANAGEMENT COMMITTEE  
OF  
NEWBERRY GEOTHERMAL HOLDINGS LLC**

The undersigned, being all of the members of the Management Committee of Newberry Geothermal Holdings LLC (the "Company"), a Delaware limited liability company, acting pursuant to Section 18-302 of the Delaware Limited Liability Company Act, hereby waive all notices, statutory and otherwise, and hereby adopt the following resolutions and hereby consent to the taking of the actions herein set forth:

**Approval of Site Certificate Process**

WHEREAS, in order to construct and operate a facility on an approved site within the State of Oregon, the Company will apply for a Site Certificate (the "Site Certificate") as required by The Oregon Energy Facility Siting Council.

WHEREAS, Davenport Power, LLC has been designated as the Operator of the Company with overall responsibility to manage the day-to-day business and affairs of the Company, including the preparation and submission of studies, filings, permit applications or other authorizations or approvals from local, state and federal governmental agencies.

NOW THEREFORE IT IS:

RESOLVED, that an application for a Site Certificate, as prepared and reviewed under the direction of the Operator, is deemed advisable and is hereby confirmed, ratified and approved in all respects.

FURTHER RESOLVED, that the Operator is hereby authorized, on behalf of the Company, to apply for and enter into the Site Certificate and to provide any other documents or enter into any other agreements necessary to effect the transactions contemplated thereby.

**Approval of Permitting Process**

WHEREAS, in order to construct and operate a facility in the State of Oregon, the Company or its subsidiaries or their agents or contractors will, from time to time, need to obtain such permits and environmental and other approvals (collectively, the "Permits") as are required by the various federal, state, county, and local governments and agencies; and

WHEREAS, Davenport Power, LLC has been designated as the Operator of the Company with overall responsibility to manage the day-to-day business and affairs of the Company, including the preparation and submission of studies, filings, permit applications or other authorizations or approvals from local, state and federal governmental agencies.

NOW THEREFORE IT IS:

RESOLVED, that the applications and supporting materials for Permits for the Company or its subsidiaries or their agents or contractors, in the form as prepared and reviewed under the direction of the Company from time to time, are deemed advisable and are hereby confirmed, ratified and approved in all respects.

FURTHER RESOLVED, that the Operator is hereby authorized, on behalf of the Company, to apply for and enter into any Permits and to provide any other documents or enter into any other agreements necessary to effect the transactions contemplated thereby.

#### **Appointment of Attorney-in-Fact**

WHEREAS, in order to comply with the requirements of Chapter 345-020-0011 of the Oregon Administrative Rules and any other such federal, state, county, and local governments' and agencies' requirements.

NOW THEREFORE IT IS:

RESOLVED, that John Cameron is hereby appointed as a resident attorney-in-fact of the Company for the purpose of applying for a Site Certificate in the state of Oregon and for any and all other such purposes and services as he may be asked to perform from time to time on behalf of the Company or its subsidiaries; and

FURTHER RESOLVED, that he is hereby authorized, on behalf of the Company, to execute and file such documents as may be required to effect the Site Certificate, and

FURTHER RESOLVED, that he is hereby authorized, on behalf of the Company, to execute and file such other documents as may, from time to time, be required to effect the Permits.

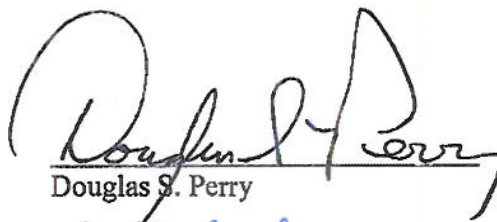
#### **General Authorization**

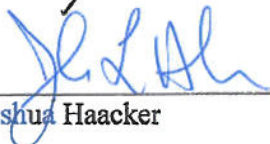
RESOLVED, that the Operator is authorized and directed, in the name and on behalf of the Company to negotiate, execute, deliver and perform the aforementioned agreements, together with any other related agreements, instruments and documents, and to do and perform all such acts and things as the Operator may deem necessary or appropriate in order to effectuate the foregoing resolutions, together with any changes that they may approve as necessary or appropriate, execution of such documents to be deemed conclusive evidence of that approval, and that the actions heretofore taken by the Operator or the members of the Management Committee of the Company, and any one of them, and agents of the Company with the purpose or effect of carrying out the foregoing resolutions or the actions contemplated thereby, are hereby ratified and approved in all respects.


Dated effective this 30th day of June, 2008.

**MANAGEMENT COMMITTEE:**



  
\_\_\_\_\_  
Douglas S. Perry

  
\_\_\_\_\_  
Joshua Haacker

  
\_\_\_\_\_  
Stephen J. Schaefer



***APPENDIX A-2: CERTIFICATE OF FORMATION***

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 03:13 PM 12/10/2007  
FILED 03:13 PM 12/10/2007  
SRV 071304909 - 4471023 FILE

CERTIFICATE OF FORMATION

OF

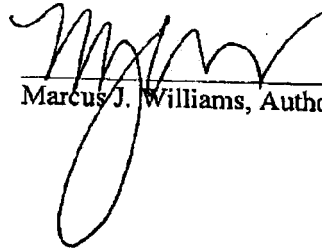
NEWBERRY GEOTHERMAL HOLDINGS LLC

The undersigned, an authorized natural person, for the purpose of forming a limited liability company, under the provisions and subject to the requirements of the State of Delaware (particularly Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified and referred to as the "Delaware Limited Liability Company Act"), hereby certifies that:

FIRST: The name of the limited liability company (hereinafter called the "limited liability company") is Newberry Geothermal Holdings LLC.

SECOND: The address of the registered office and the name and address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

Executed on December 7, 2007.



Marcus J. Williams, Authorized Person

# Delaware

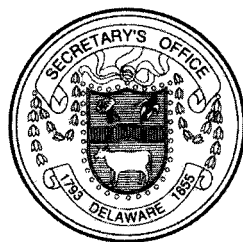
*The First State*

9533795  
DAVIS WRIGHT TREMAINE LLP  
1201 THIRD AVENUE  
SUITE 2200  
SEATTLE WA 98101  
ATTN: HEATHER MICHAUD

12-10-2007

NEWBERRY GEOTHERMAL HOLDINGS LLC  
4471023 0102Y Register L.L.C.

Formation Fee	70.00
Court Municipality Fee, Wilm.	20.00
Expedite Fee, 24 Hour	50.00
<b>FILING TOTAL</b>	<b>140.00</b>
<b>TOTAL PAYMENTS</b>	<b>140.00</b>
<b>SERVICE REQUEST BALANCE</b>	<b>.00</b>



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

***APPENDIX A-3: AUTHORIZATION TO TRANSACT BUSINESS IN OREGON***

CERTIFICATE

# State of Oregon

OFFICE OF THE SECRETARY OF STATE  
Corporation Division

I, **BILL BRADBURY**, Secretary of State of Oregon, and Custodian of the Seal of said State, do hereby certify:

**NEWBERRY GEOTHERMAL HOLDINGS LLC**  
a Limited Liability Company,  
incorporated under the laws of  
Delaware

was authorized to transact business in Oregon on  
December 24, 2007

and is active on the records of the Corporation Division as of  
the date of this certificate.



In Testimony Whereof, I have hereunto set  
my hand and affixed hereto the Seal of the  
State of Oregon.

**BILL BRADBURY**, Secretary of State

By Debra L. Virag  
Debra L. Virag  
February 23, 2008