

**State of California  
AIR RESOURCES BOARD**

**Executive Order DG-041**

**Distributed Generation Certification of  
Bloom Energy  
ES-5400**

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 December 11, 2012, Bloom Energy applied for a DG Certification of its 100 kW ES-5400 solid oxide fuel cell and whose application was deemed complete on December 19, 2012;

WHEREAS, Bloom Energy has demonstrated, according to test methods specified in California Code of Regulations (CCR), title 17, section 94207, that its natural gas-fueled ES-5400 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.
3. Emissions of volatile organic compounds no greater than 0.02 pounds per megawatt-hour.

WHEREAS, Bloom Energy has demonstrated that the ES-5400 fuel cell complies with the emissions durability requirements in CCR, title 17, section 94207(d); and

WHEREAS, I find that the Applicant, Bloom Energy, has met the requirements specified in CCR, title 17, article 3, Distributed Generation Certification Program, and has satisfactorily demonstrated that the ES-5400 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-041 is hereby granted.

This DG Certification:

- 1) Is subject to all conditions and requirements of CCR, title 17, article 3, Distributed Generation Certification Program, 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 2007 DG Certification emission standards.
- 3) Shall expire on the 30 day of January 2018.

Executed at Sacramento, California, this 30 day of January 2013.

James N. Goldstene  
Executive Officer  
by

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Cynthia Marvin, Chief  
Stationary Source Division