

**DELAWARE
COASTAL ZONE ACT
PERMIT**

NUMBER: 394

ISSUED TO: Diamond State Generation Partners, LLC ("Bloom Energy")

TO PERMIT: The installation and operation of 235 fuel cells ("Bloom Boxes") that will utilize pipeline-quality natural gas, providing up to 47 MW of electrical power to the PJM electrical grid.

SITE LOCATION: 1593 River Road, New Castle, Delaware

Conditions Incorporated and Made Part of this Permit:

1. This permit is conditional upon the Permittee's compliance with all other applicable permit requirements, regulations and laws of the State of Delaware.
2. Issuance of this permit does not relieve the Permittee of the legal obligation of complying with all building permits, subdivision and other applicable code requirements of the county or municipality wherein the permitted project is located.
3. If there are significant deviations from the plan and operations approved by the Secretary, the Permittee shall notify the Secretary as soon as possible. This permit may be revoked and a new permit application required if the Secretary deems the deviation to substantially change the nature or scale of the project and to be of actually or probably harm to the purposes of the Coastal Zone Act.
4. The Permittee shall comply with the provisions of the offset agreement by making payment in the amount of \$20,000 to the Department on behalf of the Bayshore Initiative restoration efforts within 45 days of the issuance of this permit.

Signature: _____


Collin P. O'Mara, Secretary

Date: 30 April 2012

Department of Natural Resources & Environmental Control