

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** December 22, 2008

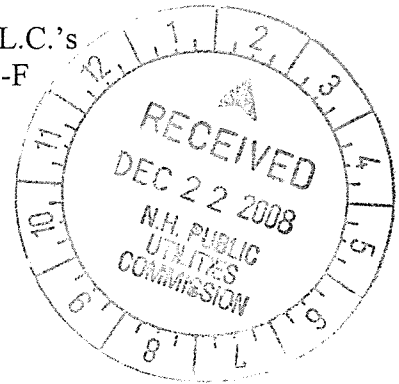
**AT (OFFICE):** NHPUC

**FROM:**   
Maureen L. Reno  
Utility Analyst III

**SUBJECT:** DE 08-143, Waste Management Renewable Energy, L.L.C.'s  
Application for Class I Eligibility Pursuant to RSA 362-F  
Staff Recommendation

**TO:** Chairman Thomas B. Getz  
Commissioner Graham J. Morrison  
Commissioner Clifton C. Below  
Debra A. Howland, Executive Director and Secretary

**CC:** Thomas C. Frantz, Director of the Electric Division  
Steven E. Mullen, Assistant Director of the Electric Division  
Suzanne Amidon, Staff Attorney



### *Summary*

On November 10, 2008, Waste Management Renewable Energy, L.L.C. (WMRE) submitted an application requesting the Commission grant approval of its Mill Seat landfill methane gas facility (Mill Seat facility) to produce Class I Renewable Energy Certificates (RECs) pursuant to RSA 362-F, New Hampshire's Electric Renewable Portfolio Standard law. Pursuant to RSA 362-F:4, IV, Class I eligibility requires a facility to have begun the production of electricity after January 1, 2006 and to use certain sources to produce electricity, one of which is methane gas.

Pursuant to RSA 362-F, the Commission, in a non-adjudicative process, must issue a determination of whether a facility meets a particular classification within 45 days of a completed application. The WMRE Mill Seat facility is a landfill methane gas facility that began commercial operation in July 2007. The facility meets the Class I eligibility requirements under RSA 362-F:4, I and WMRE has complied with the N. H. Code Admin. Rule Puc 2500 and has provided all the necessary information. Based on its review of the application, Staff recommends that the Commission approve the Mill Seat facility as eligible for Class I RECs.

## *Analysis*

The Mill Seat facility is located at 303 Brew Road, Bergen, New York. The facility's initial commercial operation date was July 2007. It has a gross nameplate capacity of 4.8 megawatts and its NEPOOL GIS facility code is 32645.

Pursuant to Puc 2505.02 (b) (8), the applicant must submit proof that it has "an approved interconnection study on file with the commission, is a party to a currently effective interconnection agreement, or is otherwise not required to undertake an interconnection study." The applicant submitted a copy of its interconnection agreement titled "Small Generator Interconnection Agreement" with Niagara Mohawk Power Corporation, d/b/a National Grid dated August 4, 2006.

Pursuant to Puc 2505.02 (b) (11), the applicant shall include a statement as to whether the facility has been certified under another non-federal jurisdiction's renewable portfolio standards and proof thereof. The applicant stated that the facility has been certified under the Massachusetts, Connecticut and Rhode Island renewable portfolio standard programs.

The Mill Seat facility is located in New York, which is a control area adjacent to the New England control area. Therefore, the facility geographically qualifies to import power into the control area pursuant to the NEPOOL GIS Operating Rules 2.7(c). Pursuant to Puc 2504.01(a)(2), a facility in an adjacent control area may be eligible to produce renewable energy certificates provided that the electricity is delivered within the New England control area and is verified by submitting to the Commission the following:

- a) Documentation of a unit-specific bilateral contract that is executed between the source owner, operator, or authorized agent and an electric energy purchaser located within the New England control area;
- b) Proof of associated transmission rights for delivery of the source's electric energy to the New England control area;
- c) Documentation that the electrical energy delivered was settled in the ISO-New England wholesale market system;
- d) Documentation that the source produced the amount of megawatt-hours claimed per hour, as verified by the GIS administrator; and
- e) Confirmation that the electricity delivered received a North American Electric Reliability Corporation tag from the originating control area to the New England control area.

Also, if the originating control area employs a generation information system that is comparable to the GIS, such system may be used to support the documentation required in item d) of Puc 2504.01 (a)(2). Therefore, given that the facility is located in New York, which is an adjacent control area, the applicant must provide proof that the electricity produced by the facility was imported into the New England control area to receive Class I RECs associated with that electricity.

### ***Recommendation***

Staff has reviewed WMSE's application for its Mill Seat facility and can affirm it is complete pursuant to N. H. Code Admin. Rule Puc 2500. Staff recommends that the Commission certify the Mill Seat facility as being eligible for Class I RECs effective November 10, 2008, the date on which Staff was able to make a determination that the facility met the requirements for certification as a Class I renewable energy source.