

STATE OF NEW HAMPSHIRE

Intra-Department Communication

DATE: November 8, 2011

AT (OFFICE): NHPUC

FROM: Barbara Bernstein
Sustainable Energy Analyst

SUBJECT: Four Hills Landfill and Four Hills Landfill Reducer Request for
Recognition of NH Class III RECs for the Period January 1, 2011
through March 31, 2011.
Staff Recommends Approval

TO: Chairman Thomas B. Getz
Commissioner Clifton C. Below
Commissioner Amy L. Ignatius
Debra A. Howland, Executive Director

CC: Jack K. Ruderman, Director, Sustainable Energy Division
Suzanne Amidon, Staff Attorney

On October 10, 2011, Michael Caplan, Director, Renewables, Fortistar Methane Group LLC, submitted a letter to the Commission requesting that the Commission inform the GIS Administrator that certain RECs generated from the Four Hill Landfill Reducer (DE 10-191) be accepted for RPS compliance. Mr. Caplan's letter states that the emissions information for the period January 1, 2011 through March 31, 2011 was not entered in the GIS system prior to July 11, 2011 because of the absence of the employee responsible for entering the information.

If generators fail to enter the required data before the deadline, the GIS locks out the generator from entering data relating to the relevant quarter. According to a September 1, 2011 email correspondence with James Webb, Registry Administrator for the NEPOOL GIS, there is no mechanism for the RPS eligibility to be added back. Therefore, Fortistar is asking the Commission to issue an attestation saying that even though the NEPOOL GIS does not display Fortistar's Q1 2011 RECs as NH RPS eligible, the NH PUC will still accept them for RPS compliance when the end user retires them at the end of the year.

Mr. Caplan submitted the following table that provides a summary of the RECs in question:

Month of Generation	NH Certification #	Unit ID	Unit Name	Fuel Type	Certificate Numbers
2011/1	NH-III-10-103	MSS194	Four Hills Landfill Reducer	Landfill Gas	295780 – 1 to 1139
2011/2	NH-III-10-103	MSS194	Four Hills Landfill Reducer	Landfill Gas	295943 – 1 to 654
2011/3	NH-III-10-103	MSS194	Four Hills Landfill Reducer	Landfill Gas	295824 – 1 to 700
2011/3	NH-III-10-102	MSS943	Four Hills Landfill	Landfill Gas	295836 – 1 to 9

Staff Recommendation

Staff recommends that the Commission grant Mr. Caplan's request and issue a attestation stating that even though the NEPOOL GIS does not display Fortistar's Q1 2011 RECs as NH RPS eligible, the NH PUC will still accept them for RPS compliance when the end user retires them at the end of the year. Staff recommends the Secretarial Letter request the following:

- A notarized statement by the Authorized Representative of the Four Hill Landfill Reducer, attesting that the GIS certificates listed in the statement have not otherwise been, nor will be, sold, retired, claimed, used, or represented as part of electrical energy output or sales, or used to satisfy obligations, in jurisdictions other than New Hampshire.
- That the notarized statement and a copy of the Secretarial Letter shall be provided to the Retail Electricity Supplier to which the certificates are transferred; and,
- That the Supplier shall submit a copy of the notarized statement and the Secretarial Letter to the Commission as part of its 2011 RPS Class III annual compliance filing.

In addition, staff recommends the Commission note that this decision regarding the 2011 first quarter certificates shall not be regarded as establishing a precedent, and the Commission may deny any similar Fortistar requests for a waiver in the future.

Staff finds that Fortistar's error of omission was inadvertent, and that correcting the mistake will not adversely affect the RPS program. Further, Staff finds that it is in the best interests of the RPS that the certificates at issue be honored for 2011 RPS Class III compliance.