

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10  
Concord, N.H. 03301-2429

June 11, 2009

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH  
1-800-735-2964

Website:  
www.puc.nh.gov

James Webb  
Registry Administrator  
APX Environmental Markets  
5201 Great America Parkway, Suite #522  
Santa Clara, CA 95054

Re: New Hampshire Class IV Certification  
Statutory Eligibility for Renewable Energy Certificates

Dear Mr. Webb:

On December 31, 2008, the Commission notified you of its decision to stay its certification of certain hydroelectric facilities as eligible to produce Class IV Renewable Energy Certificates (RECs) pursuant to RSA 362-F, New Hampshire's Electric Renewable Portfolio Standard statute. On June 10, 2009, a new law took effect which reinstated the certification of these facilities from the time of the Effective Date (below) until March 23, 2009. A copy of HB 229, which is the bill version of the law, is enclosed for your information. The names of the facilities are as follows:

Name	Effective Date to Produce RECs	Certification Date	ISO-NE No.	NH Certification No.
Canaan	8/27/08	9/23/08	861	NH-IV-08-007
Gorham	8/27/08	9/23/08	427	NH-IV-08-008
Hooksett	8/27/08	9/23/08	768	NH-IV-08-009
Jackman	8/27/08	9/23/08	449	NH-IV-08-010
Bar Mills	9/25/08	10/30/08	754	NH-IV-08-016
North Gorham	9/25/08	10/30/08	760	NH-IV-08-015

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

Debra A. Howland  
Executive Director

cc: DE 08-053, 08-123, 08-124

HB 229 – AS AMENDED BY THE SENATE

04Mar2009... 0193h

06/03/09 1988s

2009 SESSION

09-0364

06/09

HOUSE BILL **229**

AN ACT clarifying the eligibility requirements for class IV renewable energy generating facilities and relative to renewable energy certificates.

SPONSORS: Rep. S. Harvey, Hills 21; Sen. Fuller Clark, Dist 24

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill:

- I. Clarifies certain eligibility requirements for class IV renewable energy generating facilities.
- II. Extends the expiration date of the New Hampshire Code of Administrative Rules Puc 2600.

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Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

04Mar2009... 0193h

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09-0364

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT clarifying the eligibility requirements for class IV renewable energy generating facilities and relative to renewable energy certificates.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

I Electric Renewable Energy Classes. Amend RSA 362-F:4, IV to read as follows:

IV.(a) Class IV (Existing Small Hydroelectric) shall include the production of electricity from hydroelectric energy,

provided the [source] facility began operation prior to January 1, 2006, has a [gross] total nameplate capacity of 5 MWs or less *as measured by the sum of the nameplate capacities of all the generators at the facility*, has *actually* installed both upstream and downstream diadromous fish passages ~~[that have been required and approved under the terms of its license or exemption from]~~ *and such installations have been approved by the Federal Energy Regulatory Commission*, and when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects.

*(b)(1) Notwithstanding subparagraph (a), the commission shall re-certify as class IV renewable energy sources the facilities named in commission order numbers 24,940 and 24,952. These facilities are:*

*(A) The Canaan, Gorham, Hooksett, and Jackman hydroelectric facilities owned by Public Service Company of New Hampshire, which had been previously certified by the commission on September 23, 2008; and*

*(B) The North Gorham and Bar Mills projects owned by FPL Energy Maine Hydro, LLC which had been previously certified by the commission on October 30, 2008.*

*(2) These facilities shall not qualify or be certified as class IV renewable energy sources after March 23, 2009, unless they meet the requirements of subparagraph (a). Such facilities shall be eligible for class IV renewable energy certificates for all electricity generated between the effective date of each facility's original certification by the commission through March 23, 2009. Such certificates shall have the same validity as any other class IV certificate issued under RSA 362-F, and may be sold, exchanged, banked, and utilized accordingly.*

2 Renewable Energy Certificates. Amend the introductory paragraph of RSA 362-F:6, IV(a) to read as follows:

IV.(a) Certificates issued for purposes of complying with this chapter shall come from sources within the New England control area unless the source is located in a *synchronous* control area adjacent to the New England control area and the energy produced by the source is actually delivered into the New England control area for consumption by New England customers. The delivery of such energy from the source into the New England control area shall be verified by:

3 Renewable Energy Fund. Amend RSA 362-F:10, VI to read as follows:

VI. Such payments shall be allocated from the renewable energy fund established in paragraph I, *as determined by the commission* ~~[to the extent funding is available, up to a maximum aggregate payment of 10 percent of the fund per year]~~.

4 New Hampshire Code of Administrative Rules Puc 2600; Extension. The expiration date of the New Hampshire Code of Administrative Rules Puc 2600 is hereby extended from June 30, 2009 to December 31, 2009 or such earlier date that final rules may be adopted.

5 Effective Date. This act shall take effect upon its passage.