

STATE OF NEW HAMPSHIRE

Intra-Department Communication

DATE: January 26, 2011

AT (OFFICE): NHPUC

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

SUBJECT: Staff Recommendation Re: DE 10-334, WM Renewable Energy, LLC's Certification Application for Class III Eligibility of the Monroe-Livingston Landfill Methane Gas Facility Pursuant to RSA 362-F

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 *JKR*
Suzanne Amidon, Staff Attorney

Summary

On December 20, 2010, WM Renewable Energy, LLC (WMRE) submitted an application requesting that the Commission grant approval of the Monroe-Livingston landfill methane gas facility (Monroe-Livingston facility) to produce Class III renewable energy certificates (RECs) pursuant to RSA 362-F, New Hampshire's Electric Renewable Portfolio Standard law. Pursuant to RSA 362-F:4, Class III eligibility requires a methane gas facility to have begun operation prior to January 1, 2006.

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 receipt of a completed application. The Monroe-Livingston facility application was completed on December 20, 2010. The facility has an installed capacity of 2.4 megawatts and began commercial operation in January 1989. The facility meets the Class III eligibility requirements under RSA 362-F:4, III. WMRE has complied with the N. H. Code of Admin. Rules Puc 2505.02 and has provided all the necessary information. Based on its review of the application, Staff recommends that the Commission approve the Monroe-Livingston facility as eligible for Class III RECs effective December 20, 2010.

Analysis

The Monroe-Livingston facility is a 2.4 megawatt landfill gas facility that came online in January 1989. The facility is located at 1241 South Road, Scottville, New York and its New England Power Pool Generation Information System facility code is IMP 32530.

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 and Staff verified that Bio-Energy Partners, a previous owner of the facility, signed an interconnection agreement with Niagara Mohawk Power Corporation on July 29, 1999.

Pursuant to Puc 2505.02 (b) (11), the applicant must indicate whether the facility has been certified under another non-federal jurisdiction’s renewable portfolio standard and furnish proof thereof. In September 2004, the facility received certification as a Connecticut Class I New Renewable Resource.

The Monroe-Livingston 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 New England 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 into the New England control area, and such delivery 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 electricity to the New England control area;
- c) Documentation that the electricity 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.

The applicant will initially be required to provide to the Commission documentation of a unit-specific contract, item (a), for the facility and resubmit such documentation when substantial changes are made. Additionally, the applicant will be required to provide to the Commission on a quarterly basis items (b) through (e) to receive Class III RECs associated with electricity imported into the New England control area.

Recommendation

Staff has reviewed the Monroe-Livingston facility application and can affirm that it is complete pursuant to N. H. Code of Admin. Rules Puc 2505.02. Staff recommends that the Commission certify the Monroe-Livingston facility as being eligible for Class III RECs effective December 20, 2010.