

THE STATE OF NEW HAMPSHIRE

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AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION

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

Tel. (603) 271-2431

FAX (603) 271-3878

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

Website:
www.puc.nh.gov

January 28, 2011

Paul Pabor
Vice President
WM Renewable Energy, LLC
1001 Fannin Street
Houston, TX 77002

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

Dear Mr. Pabor:

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) as eligible to produce Class III Renewable Energy Certificates (RECs) pursuant to RSA 362-F, New Hampshire's Electric Renewable Portfolio Standard law. Staff has reviewed the application and recommended approval noting that the WMRE application was complete on December 20, 2010.

Class III eligibility requires a facility to begin the production of electricity prior to January 1, 2006 and to use certain sources to produce electricity, one of which is methane gas. The application indicates that the Monroe-Livingston facility is a 2.4 megawatt landfill gas facility that began commercial operation in January 1989. The facility is located at 1241 South Road, Scottsville, New York. The facility's New England Power Pool Generation Information System facility code is IMP 32530.

The Commission has reviewed the Monroe-Livingston facility application and has determined that WMRE has provided all the necessary documentation to demonstrate that the Monroe-Livingston facility is eligible for certification as a Class III facility. Therefore, the Commission hereby certifies that the Monroe-Livingston facility is a Class III renewable energy source effective December 20, 2010.

For the issuance of any renewable energy certificates, please be aware that since the Monroe-Livingston facility is located in an adjacent control area, and in accordance with Puc

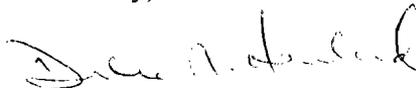
2504.01 (a)(2), you must provide proof that the associated electricity produced by the facility was imported into the New England control area by submitting to the Commission the following:

- 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.

You 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, you 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.

Attached please find a copy of the notice of this certification provided to the GIS administrator. The New Hampshire Renewable Portfolio Standard certification code for the Monroe-Livingston facility is NH-III-11-004.

Sincerely,



Debra A. Howland
Executive Director

Encl.

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January 28, 2011

James Webb
Registry Administrator
APX Environmental Markets
224 Airport Parkway, Suite 600
San Jose, CA 95110

Re: DE 10-334 WM Renewable Energy, LLC's Certification of the Monroe-Livingston Landfill Methane Gas Facility as a New Hampshire RPS Class III Facility Pursuant to RSA 362-F, New Hampshire Certification Code NH-III-11-004

Dear Mr. Webb:

Please be advised that, pursuant to NH RSA 362-F, the New Hampshire Public Utilities Commission has certified the Monroe-Livingston landfill methane gas facility as eligible for Class III Renewable Energy Certificates (RECs) effective December 20, 2010. Accordingly, the Monroe-Livingston facility will be eligible to receive New Hampshire Class III RECs at such time.

The application indicates that the Monroe-Livingston facility is powered by landfill methane gas, has a gross nameplate capacity of 2.4 megawatts and began commercial operation in January 1989. The facility is located at 1241 South Road, Scottsville, New York. The facility's New England Power Pool Generation Information System facility code is IMP 32530 and New Hampshire Renewable Portfolio Standard certification code is NH-III-11-004.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director

cc: Paul Pabor, Vice President
WM Renewable Energy, LLC