

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 14-104

ELECTRIC RENEWABLE PORTFOLIO STANDARD

RSA 362-F:4,V and VI Adjustments to Renewable Portfolio Class Requirements

ORDER OF NOTICE

On April 15, 2014, the Public Utilities Commission (Commission) determined that the market for New Hampshire renewable energy certificates (RECs) has developed such that large quantities of New Hampshire RECs, particularly Class III (existing biomass/methane) RECs, are being purchased by electricity providers in other New England states to comply with those states' Renewable Portfolio Standard (RPS) requirements. As a result, it appears that New Hampshire electricity providers will not be able to procure sufficient RECs to satisfy the Class III portfolio requirements for 2013, 2014 and possibly 2015. It is anticipated that electricity providers will make substantial alternative compliance payments (ACPs) in lieu of purchasing Class III RECs during these years. Electricity providers have also expressed concern regarding their ability to purchase sufficient Class I (new renewable) RECs to meet RPS requirements for 2013 and possibly 2014.

Pursuant to statute, the Commission is allowed to adjust Class III RPS requirements as necessary and consistent with the purposes of chapter RSA 362-F. The relevant portion of the law follows.

After notice and hearing, the commission may modify the class III and IV renewable portfolio requirements under RSA 362-F:3 for calendar years beginning January 1, 2012 such that the requirements are equal to an amount between 85 percent and 95 percent of the reasonably expected potential annual output of available eligible sources after taking into account demand from similar programs in other states.

As the supply of Class III RECs is extremely limited, the Commission has determined that it should consider adjustments to the Class III renewable portfolio requirements for calendar year 2013. To that end, the Commission will hold a public comment hearing on May 1, 2014 to gather information on the reasonably expected potential annual output of available Class III eligible sources, given demand for Class III RECs in other New England states. Because the scarcity of Class III RECS appears likely to continue beyond 2013, the Commission will also seek interested parties' recommendations regarding whether the facts warrant a revision to Class III RPS requirements for calendar years 2014 and 2015.

The Commission has also determined that it may be appropriate to modify the incremental increase in Class I REC requirements. Pursuant to the law, the Commission "[f]or good cause, and after notice and hearing . . . may accelerate or delay by up to one year, any given year incremental increase in class I or II renewable portfolio standard requirement under RSA 362-F:3." RSA 362-F:4, V. The public comment hearing on May 1, 2014 will also provide a forum for interested parties to provide data on the availability of Class I RECs and to make recommendations regarding whether those requirements should be adjusted for calendar years 2013, 2014 and 2015.

Finally, the Commission welcomes comments on RPS requirements for Class II and Class IV from interested parties in the hearing scheduled for May 1, 2014.

This order of notice raises, *inter alia*, issues related to whether it is appropriate for the Commission to adjust RPS Class requirements, particularly Class III requirements, and if so, what calendar years should be adjusted, and how the adjustments should be calculated.


Subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2014/14-104.html>.

Based upon the foregoing, it is hereby

ORDERED, that a Public Statement Hearing, pursuant to N.H. Code Admin. Rules Puc 201.02(b), be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on May 1, 2014 at 10:00 a.m.; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, the Executive Director shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice on the Commission's website, www.puc.nh.gov, and by electronic mail to the electric distribution utilities and competitive electric suppliers.

By order of the Public Utilities Commission of New Hampshire this sixteenth day of April, 2014.


Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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Docket #: 14-¹⁰⁴~~095~~-1 Printed: April 16, 2014

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**
- DEBRA A HOWLAND
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- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**

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