

**R. Olson Law Office, PLLC  
770 Broad Cove Road  
Hopkinton, NH 03229**

February 23, 2015

By Hand Delivery and Email

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

NHPUC FEB23'15 PM 1:36

RE: Docket DE 15-035: Electric Renewable Portfolio Standard: Objection to  
ENH Motion

Dear Ms. Howland:

Enclosed are an original and six copies of the Objection of Bridgewater Power Company, L.P., Pinetree Power, Inc., Pinetree Power-Tamworth, Inc., Springfield Power LLC, DG Whitefield, LLC and Indeck Energy- Alexandria, LLC to the ENH Motion of February 11, 2015 in the above captioned matter.

Please contact me with any questions.

Sincerely,



Robert A. Olson, Esq.  
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603-496-2998

cc: Service List

STATE OF NEW HAMPSHIRE  
BEFORE THE  
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

In re: Electric Renewable Portfolio Standard  
Adjustments to Class III Renewable Portfolio Requirements

Docket No. DE 15-035

**OBJECTION OF  
BRIDGEWATER POWER COMPANY, L.P., PINETREE POWER, INC., PINETREE  
POWER-TAMWORTH, INC., SPRINGFIELD POWER LLC, DG WHITEFIELD, LLC,  
AND INDECK ENERGY-ALEXANDRIA, LLC  
TO ENH MOTION  
TO EXPAND PROCEEDING TO INCLUDE REC CLASS I, II, AND IV SOURCES OR  
INITIATE A NEW INVESTIGATION**

Pursuant to N.H. Code Admin. Rules Puc Section 203.07 (e), Bridgewater Power Company, L.P., Pinetree Power, Inc., Pinetree Power-Tamworth, Inc., Springfield Power LLC, DG Whitefield LLC, and Indeck Energy-Alexandria, LLC (collectively, the “Biomass Power Plants”) object to the February 11, 2015 motion of ENH to expand this proceeding to include Class I, II, and IV sources or initiate a new investigation (“ENH Motion”). In support of this Objection, the Biomass Power Plants state the following:

1. The Commission initiated this docket with the issuance of an order of notice on January 21, 2015. The order of notice indicated that the Commission would hold a public comment hearing on February 12, 2015 to address issues related to the potential adjustment in the Class III renewable portfolio standard percentage requirement pursuant to RSA 362-F:4, VI. At the public comment hearing the Biomass Power Plants proposed that the 2014 and 2015 percentages for Class III be set at 0.5%. At the public comment hearing PSNH requested that the Commission act soon to make the Class III 2015 adjustment because the cost of compliance was already priced in rates and the revenue

requirements could be reduced to comport with the revised Class III percentages. At the hearing the Office of the Consumer Advocate (“OCA”) indicated support for an adjustment in the 2014 Class III percentage to 0.5% and, in response to a question from Commissioner Scott, also indicated support for a 2015 Class III adjustment to 0.5%.

2. The ENH Motion requests that the Commission expand its investigation in this docket to include Class I, II, and IV sources. Alternatively, the ENH Motion requests that the Commission commence a new investigation (presumably in a new docket with a new order of notice) “to consider the impact of the lack of liquidity, transparency, and regional uniformity on the availability of RECs for all Class portfolio sources, and specifically consider modifying either the portfolio requirement or the ACP, as each may be permitted by law.” ENH Motion at 1. The ENH Motion also asks that the Commission use its authority under RSA 362-F: 4 (V) to delay the portfolio increases for Class I and Class II. Id. at 2.
3. The Commission should deny the ENH motion to the extent any of its requested relief would affect Class III. The Commission has held the Class III public comment hearing called for in the order of notice and heard oral comments from the Biomass Power Plants, the State’s electric utilities, the Office of Consumer Advocate, ENH, and others on the Class III issues raised in the order of notice. By February 23, 2015 the Commission will have received all timely written comments on the Class III issue. Delaying acting on the Class III adjustment in this docket pending the issuance of a revised order of notice to add other classes or initiate a new docket serves no sound purpose. Acting in the present docket to address the Class III adjustment based on the comments heard will allow the State’s utilities and competitive suppliers to make timely adjustments for the 2014 and

2015 Class III compliance years. Acting now to adjust the Class III 2014 and 2015 renewable portfolio standard percentages to 0.5% and conclude this docket will also assist ENH, which paid approximately \$71,000 in Class III alternative compliance payments for compliance year 2013, to mitigate its potential 2014 and 2015 alternative compliance payments. See New Hampshire Public Utilities Commission Renewable Energy Fund Annual Report, October 1, 2014 at table 2.

<http://www.puc.nh.gov/Sustainable%20Energy/Renewable%20Energy%20Fund/2014%20REF%20Report%20to%20Legislature.pdf>

4. The ENH Motion should be denied because, as applied to Class III, its alternative request seeks relief not provided for in RSA 362-F and hence the relief sought is beyond the authority of the Commission to grant. RSA 362-F does not grant authority for the Commission to modify the alternative compliance payment rates of any Class. RSA 362-F does not authorize percentage adjustments for Class III based on the “lack of liquidity, transparency, and regional uniformity on the availability of RECs”. See RSA 362-F: 4, VI.
5. Furthermore, the availability of renewable energy certificates (“RECs”) and REC market conditions are to be addressed in the context of the Commission’s review and report to the General Court on the renewable portfolio standard, which will include review of “the adequacy or potential adequacy of sources to meet the class requirements” and the “class requirements of all sources in light of existing and expected market conditions.” See RSA 362-F: 5, I, II. The report will include “any recommendations for changes to the class requirements or other aspects of the electric renewable portfolio standard program.” RSA

362-F: 5. The Commission should defer to the review process established by the General Court and deny the ENH Motion's request for an investigation into that subject matter.


WHEREFORE, the Biomass Power Plants respectfully request that the Commission deny the ENH Motion as applied to Class III in accordance with the foregoing.

Respectfully submitted,  
BRIDGEWATER POWER COMPANY, L.P.,  
PINETREE POWER, INC.,  
PINETREE POWER-TAMWORTH, INC.,  
SPRINGFIELD POWER LLC,  
DG WHITEFIELD, LLC and  
INDECK ENERGY – ALEXANDRIA, LLC

By Their Attorney,

R. OLSON LAW OFFICE, PLLC.

Dated: February 23, 2015

By:   
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CERTIFICATE OF SERVICE

I hereby certify that, on February 23, 2015, I caused a copy of the foregoing Objection to be filed in hand and electronically with the Commission and electronically, or by U.S. Mail, first class to the Service List in DE 15-035.

  
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Robert A. Olson, Esq.