

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

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Concord, New Hampshire

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RE: DE 15-477
ELECTRIC RENEWABLE PORTFOLIO STANDARD:
Adjustments to Renewable Portfolio
Standard Class III Requirements.
(Hearing to receive public comments)

PRESENT: Chairman Martin P. Honigberg, Presiding
Commissioner Robert R. Scott
Commissioner Kathryn M. Bailey

Sandy Deno, Clerk

APPEARANCES: Reptg. Bridgewater Power Company, LP,
Pinetree Power, Inc., Pinetree Power-
Tamworth, Inc., Springfield Power, LLC,
D.G. Whitefield, and Indeck Energy-
Alexandria, LLC:
Robert Olson, Esq.

Reptg. New Hampshire Electric Cooperative:
Mark W. Dean, Esq.

Reptg. Eversource Energy:
Richard Labrecque, Mgr. of Dist. Generation
Matthew J. Fossum, Esq.

Reptg. N.H. Timberland Owners Association:
Jasen Stock

COURT REPORTER: Steven E. Patnaude, LCR No. 52

ORIGINAL

APPEARANCES: (c o n t i n u e d)

Reptg. Residential Ratepayers:

Susan Chamberlin, Esq., Consumer Advocate
Pradip Chattopadhyay, Asst. Consumer Adv.
Office of Consumer Advocate

Reptg. PUC Staff:

Suzanne G. Amidon, Esq.
Elizabeth Nixon, Sustainable Energy Division

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P R O C E E D I N G

CHAIRMAN HONIGBERG: Good morning, everyone. We're here this morning in Docket DE 15-477, which is related to the Electric Renewable Portfolio Standards. And, we're here to consider and take public comment on possible adjustments to the Renewable Portfolio Standard for Class III. We've done this each of the last few years.

And, although I don't normally do this, I'm going to read something in the Order of Notice. The Commission has determined that New Hampshire's electricity providers may not be able to procure sufficient renewable energy certificates to comply with New Hampshire's Renewable Portfolio Standard requirements. Accordingly, we're here to consider making an adjustment to the Class III requirement for the 2016 compliance year. If no change is made, the Class III requirement will increase from one half of one percent of retail sales in 2015, an adjustment we made last year, to 8 percent of retail sales for 2016. I guess, when I say "last year", we actually did that earlier this calendar year as it applies to the 2015 compliance year.

RSA 362-F authorizes the Commission to make adjustments as necessary and consistent with the

1 purpose of the statute. It allows us, after notice and
2 hearing, to make such modifications, "that the
3 requirements are equal to an amount between 85 percent and
4 95 percent of the reasonably expected potential annual
5 output of available eligible sources after taking into
6 account demand from similar programs in other states."
7 And, that was a quote from RSA 362-F:4, VI.

8 So, with that scene-setter, normally, in
9 a DE docket, we take appearances. But, since I have this
10 handy list of people who are here, we'll go through that
11 list as we take comments from those who are here.

12 Is there anything else I need to do, Ms.
13 Amidon, representing Staff?

14 MS. AMIDON: No. That's all you need to
15 do.

16 CHAIRMAN HONIGBERG: All right. Thank
17 you very much. So, it looks like seven who have
18 signed in, in addition to Staff, five of whom wish to
19 speak. And, so, those who wish to speak, I'm just going
20 to take them in the order in which they're signed up.
21 And, I will read that order now, so you can prepare.

22 Mr. Olson, you're going to be going
23 first. Then, Mark Dean, Susan Chamberlin, Rick Labrecque,
24 Jasen Stock, then Staff may have something to say, and we

1 have a couple of others who have signed in from Staff who
2 I would doubt are speaking.

3 So, anyway, with that said, Robert
4 Olson, please state who you're representing today, in
5 addition to your name, when you get started.

6 MR. OLSON: I'm Robert Olson, from R.
7 Olson Law Office, PLLC. And, I represent Bridgewater
8 Power Company, LP; Pinetree Power, Inc.; Pinetree
9 Power-Tamworth, Inc.; Springfield Power, LLC; D.G.
10 Whitefield, LLC; and Indeck Energy-Alexandria, LLC. They
11 are six small biomass plants located throughout the state.

12 I've been asked to speak first, because
13 those six facilities represent the bulk of what is
14 eligible in class III under our New Hampshire RPS. My
15 proposal for adjustment is to take the 8 percent that we
16 see for the year 2016 and reduce it to somewhere between
17 three-tenths of a percent and one-half of a percent. And,
18 the rationale is that those facilities that I just
19 indicated are most likely, in the 2016 year, to sell their
20 RECs in higher priced REC markets, most notably the
21 Connecticut market.

22 As we've discussed in many past dockets,
23 the New Hampshire ACP, Alternative Compliance Payment, for
24 2015, '16, and '17, is flat by statute at \$45. The same

1 years in Connecticut are set statutorily, and they also
2 are flat, but at \$55. So, the Connecticut market
3 represents the market of choice with respect to those
4 facilities that can be Connecticut Class I facilities.

5 Some of those facilities that I
6 indicated that are part of my client base are also New
7 Hampshire Class I facilities, most notably Indeck. So,
8 they have the choice of, whether they're Class I in New
9 Hampshire or Class I Connecticut, for sales of RECs.

10 I would note, and if I read the Order of
11 Notice correctly, it mentions that Class III facilities
12 also have the option to sell into the Massachusetts
13 market, and I think it indicated "Class I", if I recollect
14 it correctly. I just want to indicate that the Class I
15 market is not a market that's available to these
16 facilities in Massachusetts. They could qualify for the
17 Class II market in Massachusetts, but the Class II market,
18 like the Class I market, I believe, still has a moratorium
19 on applications, and the Class II market in Massachusetts
20 posts an ACP of somewhere in the mid \$20 range. So, even
21 if there were no moratorium, it's not really a market.
22 So, these facilities essentially have New Hampshire Class
23 III, some of them have New Hampshire Class I, and all of
24 them have access to Connecticut Class I.

1 So, if I look at the percentages I just
2 recommended, that is ranging from 0.3 to 0.5 percent, to
3 get an idea of the order of magnitude of what that will
4 produce, if I look at the Staff report, the most recent
5 one, which is the October 1, 2015 Renewable Energy Fund
6 Report, which is really looking at RECs sold in 2014, with
7 ACPs made July 1, 2015, we saw the Class III was
8 approximately \$1.7 million of ACPs. So, if we were to
9 move forward into 2016 with the range of percentages that
10 I indicated, and assume that the load or the megawatt-hour
11 sales is roughly 11 million, then the half a percent
12 number, at the \$45 ACP, would indicate a need for 55,000
13 RECs, and about \$2.4 million of ACPs, if no RECs were
14 available. And, I'd point out that RECs don't -- for
15 Class III are not just from these biomass plants, they
16 also include existing landfill gas methane. And, I have
17 no sense of how many RECs are available or who would be
18 available from that group.

19 So, I'm just looking at what you might
20 call the "worst case scenario", if there were zero RECs
21 available, a half a percent gets you roughly
22 2.475 million. If you did the four-tenths of a percent,
23 that's 44,000 RECs, and you have roughly 1.9 million of
24 ACPs, if there were no RECs. And, if you did the

1 three-tenths of a percent, you have 33,000 RECs, and, at
2 the \$45, you have roughly \$1,485,000 in ACP payments. So,
3 you can look at that and compare it to the 1.7 that we had
4 in 2014.

5 And, part of the consideration, which is
6 more of a judgment call, I think, for the Commission is,
7 certainly, there's some amount of ACPs that are desirable,
8 because they fund the alternative energy programs that the
9 Sustainability Division administers. But that's a
10 judgment call on the part of the Commission, I think, to
11 determine where you think those numbers should come in at.

12 I would note one thing, and this is, I
13 noticed the Order of Notice made reference to both the
14 Liberty and the Unutil filings for their default service
15 contracts, and that sort of, in part, was the impetus for
16 having this docket sooner rather than later. And, I went
17 and looked at the worksheets associated or the attachments
18 to the prefiled testimony associated with the testimonies
19 in those dockets. And, the Liberty docket, which is DE
20 15-010, has an exhibit from Mr. Warshaw, which is labeled
21 "JDW-2". And, if I'm reading it correctly, and there's
22 always a chance that I'm misunderstanding what I'm looking
23 at, not having spoken with him, but it shows, in 2016, an
24 ACP payment -- an ACP rate of "\$45.62". So, it appears

1 that Liberty, unlike Unitil, which held the \$45 flat, is
2 either under the impression, or however they came to it,
3 that the \$45 escalates. So, that adds roughly I think
4 it's something in the neighborhood of \$15,000, that
5 escalation to the ACP. So, I think that's something you
6 might want to check with Liberty to just see. Because my
7 understanding is, set by statute, it's \$45 flat. So,
8 unless the extra 62 cents related to something else, it's
9 not clear to me.

10 So, that's the 2016 year. And, as I
11 indicated, in the 2016 year, the bulk of my client base
12 expects to be in the Connecticut market. Part of the
13 situation with, you know, these updates that take the
14 8 percent and drop it down to some number, like we did
15 last docket, to half a percent, is because Connecticut has
16 indicated they have a biomass phase-down. And, they have
17 yet to actually implement that phase-down. They did
18 complete their 2014 Integrated Resource Plan, where they
19 indicate that they will monitor their RPS situation and
20 consider establishing a schedule for reduced REC values
21 for 2018, even though the statute asked them to do -- told
22 them to do that by January 1, 2015.

23 And, I would point out that it's not
24 just the biomass phase-down that affects the decision of

1 what market might be more valuable, if you will, to those
2 small biomass plants. Connecticut is looking to fulfill a
3 lot of its RPS requirements by contract. So, for
4 example -- and, so, obviously, that erodes the space
5 that's available for those people that, in essence, either
6 sell on a year-to-year basis or in some kind of spot REC
7 market.

8 So, under Public Act 13-303, the
9 Connecticut Department of Energy Environmental Protection
10 has gone out for a number of -- or, posted a number of
11 RFPs and awarded a number of bids. So, for example, they
12 have awarded bids to a 250-megawatt wind farm that
13 presumably is under development at this point; a
14 20-megawatt solar facility; then they awarded 29 megawatts
15 worth of bids -- 29 megawatts worth of bids to biomass
16 plants, but, really, 21 of it went to Schiller Station
17 Unit 5, with the remainder going to the Burlington,
18 Vermont facilities. And, those contracts, the Burlington
19 contracts started in 2015, and the Schiller starts
20 January 1, 2016.

21 One of the other unknowns in the
22 Connecticut market that affects the demand is the
23 so-called "Clean Energy RFP", and I know a number of you
24 are aware of that RFP. It's a three-state RFP,

1 Connecticut, Rhode Island, and Massachusetts, and this
2 solicits renewable generation, but of specific types.
3 And, it includes generation of large hydro delivered via
4 transmission lines. So, you think of things like the
5 Clean Power Link coming through Vermont, or Northern Pass,
6 they might bid; the Northern Pass application at the Site
7 Evaluation Committee indicated they intend to put a bid
8 in.

9 So, that RFP, which has been going
10 through a process, was posted as a Final RFP on November
11 12th. So, it exists. I think bids are due January 28th
12 of 2016, they expect to award under that RFP by late July
13 of 2016, and have the necessary regulatory approvals in
14 place sometime in the 2016 year. So, again, depending on
15 how much comes in in those various programs, that could
16 affect Connecticut. And, there are, obviously, a lot of
17 details and limitations that I don't propose to go into.
18 So, with that, that's why I look at the 2016 year, and I
19 indicate to you that I think, you know, three-tenths of a
20 percent to half a percent.

21 I also know the Order of Notice
22 indicated that you might consider additional years. And,
23 because of the situation in the market, I would propose
24 that we not do years beyond 2016. We certainly have the

1 time to do 2017, as we step into the year 2017, given that
2 its ACPs would not be due until July of 2018. So, given
3 the status of RFPs in Connecticut, the phase-down, which I
4 know they indicate wouldn't happen until 2018, but you
5 just never know, since the statute told them to do it in
6 '15, you never know if they might do it early, if they
7 look at RFP solicitations and think they're in a better
8 situation than they thought they might be, and also with
9 respect to the capacity market situation, because I think
10 that was one of the factors that drove the delay in the
11 phase-down.

12 So, with that, I'll stop and see if you
13 have questions.

14 CHAIRMAN HONIGBERG: It seems like we
15 do. Commissioner Scott.

16 COMMISSIONER SCOTT: Good morning. And,
17 thank you for coming and testifying, Mr. Olson. I was
18 just curious, you answered many of my questions, so thank
19 you for participating. Looking at whether we need to do
20 this again next year, is there a timeframe you suggest we
21 have, if we were to have similar concerns moving forward,
22 is there a best timeframe to have this hearing?

23 MR. OLSON: I think, if I recollect past
24 hearings, and I think we've done this -- is this the

1 fourth time we've done this now, including this docket? I
2 think we started it in '13. And, I think they were sort
3 of set for the April/May time period. And, that seems to
4 be a good time period, because then I can go to clients
5 and I have a good sense of where they are. I don't know
6 if that's good for the utilities, because they have to go
7 out for default service. So, you know, there is some
8 balancing there. But, from my standpoint, April/May of
9 the following, of that year, would make some sense.

10 COMMISSIONER SCOTT: And, my other
11 question is, and I know there's, as you laid out very
12 nicely, there's a lot going on in Connecticut right now,
13 do you foresee a future where the 8 percent requirement,
14 if held to, doesn't trigger a lot of ACP payments?

15 MR. OLSON: Certainly, if Connecticut
16 were to implement a robust phase-down, so that the \$45 and
17 the \$55, which are ACPs, producing a REC market, right,
18 because of supply-and-demand. So, as those numbers come
19 closer together, certainly, the only market available to
20 these facilities, if the Connecticut market doesn't
21 function or gets too close to the New Hampshire market, is
22 the New Hampshire Class III market.

23 The 8 percent number, and I didn't bring
24 with me those calculations, but I think, in past dockets,

1 I examined that, and indicated that, when you look at the
2 8 percent number, it was selected based on looking at 90
3 percent plant factors for those biomass facilities, and
4 also including the Ryegate facility, in Vermont, and the
5 Fitchburg biomass facility, in Massachusetts, and the
6 Bridgewater facility, which historically had not been part
7 of Class III, because of particulate matter emission
8 issues, but have since become Class III-qualified under
9 the Alternative Particulate Matter requirement with its
10 Wood Stove Buyout Program administered by the Department
11 of Environmental Services. So, when you look at all of
12 those facilities with the capability of producing RECs,
13 and you assume that that Connecticut market dissipates to
14 some degree, because of the phase-down or because of
15 excess supply coming through RFPs, then I think the
16 8 percent is a good number.

17 But I think we have a very workable
18 solution, because we could always, on an annual basis,
19 monitor that 8 percent number and adjust it. So, I think
20 it's a good target number, and each year we can adjust it.
21 So, whether at some point it becomes 6 or 7, or ratchets
22 up to 8, as the Connecticut phase-down moves in a more
23 robust fashion, we have that ability.

24 COMMISSIONER SCOTT: And, I will note,

1 at least for purposes of this hearing, it is very helpful
2 to have the Class III industries kind of combine with a
3 unified voice. I think, as you referenced, we're less --
4 we're hearing less from the landfill gas side of things,
5 so that's a little bit more of an unknown for us to try to
6 figure this out. So, thank you.

7 CHAIRMAN HONIGBERG: Mr. Dean.

8 MR. DEAN: Thank you. Good morning. My
9 name is Mark Dean. I represent the New Hampshire Electric
10 Cooperative. I think last time we had this hearing I
11 quoted/misquoted/paraphrased Yogi Berra to say "It seems
12 like *déjà-vu* all over again." So, I guess this is "It
13 seems like *déjà-vu* all over again again." And, so, I will
14 try to keep my comments brief, because, essentially, they
15 are pretty much a repeat of last time around, with one
16 caveat that is important.

17 From the Co-op's experience since the
18 last hearing, there is no liquid market of available Class
19 III RECs for distribution utilities to purchase. As the
20 person responsible for that at the Co-op told me, that
21 "Every time we ask the brokers about Class III RECs, we
22 just get a chuckle and some comment like "yes, we don't
23 see many of those"."

24 So, I think the situation is essentially

1 unchanged since last time around, when I believe I argued
2 that, if you're looking at the statute, if zero is the
3 number of reasonably expected available Class III RECs,
4 then 85 to 95 percent of zero is zero, and urge you to
5 basically adopt the lowest percentage that you, all the
6 things you have to weigh, that you thought in your
7 judgment you could do. And, I make that same argument
8 today.

9 I do have one caveat, because I don't
10 want, especially come July, when the Co-op files its
11 compliance reports for the 2015 year, I want to make sure
12 nothing looks inconsistent. But the Co-op, in 2015,
13 negotiated a extension and change of the terms in a
14 long-term power supply contract that it has had since 1997
15 with a methane gas supplier. And, previous to this year,
16 that did not include any Class III RECs going to the
17 Co-op. As you can imagine, in 1997, we didn't have the
18 prescience to include that in the contract.

19 And, after several years of working on
20 the issue, we now have a long-term contract for
21 essentially all of the products that that facility
22 produces, including Class III RECs. So, I think that the
23 total projected on an annual basis would be about 18,000
24 RECs a year. And, other than that, really, I don't want

1 to go into the commercial details of the contract, other
2 than it's, essentially, it's a full contract, it doesn't
3 break out the pricing, *etcetera*, for RECs from the other
4 products.

5 So, anyways, I wanted to make sure that
6 was clear. And, also, I guess, from my perspective, that
7 just takes 18,000 RECs that are Class III RECs sort of out
8 of the marketplace. I don't know what they were doing
9 with them before. I presume they were being sold in
10 Connecticut, but I have no idea. But, for the long term,
11 for at least for the period of years we're talking about,
12 those will be going to the Co-op. They won't be out in
13 the marketplace anyplace else.

14 And, I think the only other issue that I
15 haven't commented on is what we do for 2017, versus 2016.
16 I think, I don't know if the other utilities feel this
17 way, but, from the Co-op's perspective, having -- the
18 longer the period is where that number is the lowest it
19 can be, from a ratepayer perspective, is what the Co-op
20 would favor. Obviously, I don't think there's any great
21 detriment done if we have to come back in a year or a year
22 and a half and say "it's *déjà-vu* all over again again
23 again." But, from a planning point of view, for the
24 people who have to, you know, plan for, budget for, and

1 secure these RECs, the longer the period of time the
2 better.

3 CHAIRMAN HONIGBERG: Commissioner Scott.

4 COMMISSIONER SCOTT: Thank you. I was
5 just curious, the 18,000 landfill RECs you're talking
6 about, can you give me an approximation what percentage
7 obligation that would meet for you?

8 MR. DEAN: I think the number that I've
9 heard that was roughly a third of the Co-op's obligation
10 for 2000 -- assuming, I think, that if -- assuming that
11 this analysis was that it stayed at half a percent, that,
12 for 2016, that would cover about a third. I think that's
13 right.

14 COMMISSIONER SCOTT: Okay. I'm not
15 going to hold you to an exact amount.

16 MR. DEAN: Yes.

17 COMMISSIONER SCOTT: Thank you.

18 CHAIRMAN HONIGBERG: Ms. Chamberlin.

19 MS. CHAMBERLIN: Thank you. Susan
20 Chamberlin, Consumer Advocate for the residential
21 ratepayer. And, looking at the two revenue streams, one
22 to provide support for the biomass plants and one to
23 supply funding for the Renewable Energy Fund, the first is
24 being covered essentially through the Connecticut market.

1 So, we're looking at the second as really the driver for
2 this decision. And, given the amount of dollars that
3 we're looking at, 0.5 being a continuation of what we have
4 been doing, and that is 2.4 million, more or less,
5 according to Mr. Olson, I would propose that we look at an
6 amount between 0.1 and 0.3. Given that we're in a
7 transitional market, and that there's a lot of pressure on
8 rates in general, I think -- I think a number other than
9 zero is appropriate, I don't think 8 percent is
10 appropriate, it looks like 0.3 would just about keep it
11 the same. And, so, the decision is whether "do we keep
12 the funding the same from last year or do we reduce it?"
13 And, in my view, I don't see that there's any need to
14 increase it. So, that would be my recommendation, and --
15 between 0.1 and 0.3.

16 And, then, concerning the timeframe, I
17 believe that, because we are in a period of transition,
18 it's better to look at it on a year-to-year basis, not
19 clear what 2017 will bring. Where we're given this
20 opportunity to be flexible, I recommend the Commission
21 make the most of it.

22 CHAIRMAN HONIGBERG: Thank you.

23 Mr. Labrecque.

24 MR. LABRECQUE: Thank you. I'm Rick

1 Labrecque, Manager of Distributed Generation for
2 Eversource. I will just echo basically the comments of
3 Mr. Dean, that Eversource has, for a number of years now,
4 been unable to procure any Class III RECs. And, it seems
5 to me that, if you were looking at the reasonably expected
6 quantity of RECs for 2016, that zero seems like a
7 reasonable number.

8 I'm not a expert on the statute, the
9 statutes involved here, but I don't know if the -- if
10 there's really a two-pronged thought process here, that
11 whether or not that the percentage should stay at a
12 non-zero number just as a source of funding for the
13 Renewable Energy Fund, I'm not sure that's really a
14 consideration here. I believe we should just be looking
15 at the statute and the reasonable expectation that, like
16 last year, there will be no Class III RECs available. So,
17 I would suggest that the percentage should be set to zero.

18 For 2016, Eversource is projecting Class
19 III, at 8 percent, would cost our customers a little over
20 \$13 million. And, at the 0.5 percent, that's somewhere
21 under \$1 million. All of which would be -- it is my
22 expectation that all of it would be through payments into
23 the Renewable Energy Fund.

24 As far as long-term planning goes, and

1 whether or not the Commission should consider taking
2 action for 2017, Eversource has no plans to initiate any
3 procurement for 2017 probably in the next 12 months. So,
4 it may not be an issue for Eversource. But I'm sure there
5 are retail suppliers that are currently offering multiyear
6 energy supply contracts to commercial and industrial
7 customers. So, to the extent they're factoring in the
8 8 percent requirement in 2017 into their pricing, if the
9 Commission were to take action for 2017 as well, it would
10 hopefully find it's way into lower prices in the retail
11 offerings.

12 And, that's my comments.

13 CHAIRMAN HONIGBERG: Thank you.

14 Mr. Stock.

15 MR. STOCK: Good morning. My name is
16 Jasen Stock. I represent the New Hampshire Timberland
17 Owners Association for the state's forest industry
18 timberland owner nonprofit trade association. I'll be
19 very brief here. Just, basically, to echo Mr. Olson's
20 testimony, and some of the testimony we've heard earlier
21 from others, that it appears the system we have now, given
22 the flexibility and the ability to change, is something
23 that's desirable and something that we would support
24 maintaining moving forward.

1 Our interest in this is the role biomass
2 plays in forest management and in the forest products
3 industry. And, across the state, looking at timber tax
4 data, we estimate that almost one-third of all the wood
5 harvested in the State of New Hampshire goes into some
6 form of a biomass product or energy product. So, for the
7 state's forest products industry, maintaining these
8 market -- the viability of these products is essential.

9 With that, I will conclude my comments
10 and be happy to try to answer any questions.

11 CHAIRMAN HONIGBERG: Thank you very
12 much. Ms. Amidon.

13 MS. AMIDON: Thank you. For the record,
14 my name is Suzanne Amidon, and I represent Commission
15 Staff. I would like to allow Ms. Nixon to make comments
16 and offer information on this issue. Thank you.

17 CHAIRMAN HONIGBERG: Ms. Nixon.

18 MS. NIXON: Hi. Liz Nixon, PUC. I
19 won't go into a lot of details, since Mr. Olson did a lot
20 of the background. But I just wanted to add a few points.
21 As he noted, the 2016 obligation, and you as well, that it
22 would be 8 percent, that equates, in my estimation, to
23 about 885,000 RECs, or about \$40 million, if it was all
24 paid in ACPs.

1 Just also wanted to clarify that our
2 Class III RECs are also eligible in Mass. Class I, and
3 these are mainly landfill gas, maybe not the biomass, but
4 the landfill gas are eligible in Mass. and in Rhode
5 Island.

6 And, to give a little more background on
7 historically what has been happening with our Class III
8 market, in 2014, only six Class III RECs were used for
9 compliance, and these were actually vintage 2013 RECs.
10 Similarly, in 2013, 36 Class III RECs were used for
11 compliance, 35 were banked vintage 2012, and one was from
12 actually that year. And, I don't have offhand what those
13 were, but I believe they were actually landfill gas RECs.

14 And, I don't have any recommendation at
15 this point. Just wanted to hear what others had to say.

16 CHAIRMAN HONIGBERG: Thank you very
17 much. Commissioner Scott.

18 COMMISSIONER SCOTT: I was curious, on
19 the landfill gas RECs, if you had a feel for, you know,
20 what are the elements of Class III, obviously, the
21 dichotomy is it's existing, whatever it is, in the hope, I
22 believe, in developing the RPS is, there would be an
23 incentive for them to, whether it's particulate matter,
24 requirements for biomass, etcetera, to qualify for those

1 existing ones, to come in to a situation they could
2 qualify, is there such a thing? And, just restating it,
3 is there a, for want of a better word, is there a surplus
4 of non-qualifying landfill gas that could qualify right
5 now that you're aware of?

6 MS. NIXON: Not that I'm aware of.

7 COMMISSIONER SCOTT: Okay. Thank you.

8 CHAIRMAN HONIGBERG: We've gone around.
9 Does anyone have anything they want to add?

10 *[No verbal response]*

11 CHAIRMAN HONIGBERG: It seems like no
12 one does.

13 All right. Well, thank you all for your
14 comments. We appreciate it. We will get an order out on
15 this, if we feel it's appropriate. And, if we do feel
16 it's appropriate, we'll get it out as soon as we can.
17 Thank you all.

18 **(Whereupon the hearing was adjourned at**
19 **9:40 a.m.)**