

THE STATE OF NEW HAMPSHIRE



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**PUBLIC UTILITIES COMMISSION**

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

April 9, 2018

Jim Van Valkenburgh  
Froling Energy  
590 Hancock Road  
Peterborough, NH 03458

Re: REC 16-238, Whelen 2, Building #5, Request for Approval of an Alternative Compliance Method for Calculating Thermal REC Generation Due to Meter Malfunction for 2017 Quarters 3 and 4, and Related Waiver of Puc 2506 Metering and Calculation Requirements

Dear Mr. Van Valkenburgh:

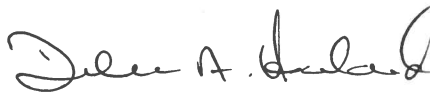
On March 27, 2018, you filed on behalf of Whelen Engineering's Building #5 (referred to as "Whelen 2" in the New England Power Pool Generation Information System (NEPOOL GIS)), a request that the Commission approve an alternative method to allow Whelen 2 to obtain renewable energy certificates (RECs) for useful thermal energy produced, but not metered, due to a lightning strike, at their thermal biomass facility during the third and fourth quarters (Q3 and Q4) of 2017.

On April 6, 2018, Commission Staff (Staff) filed a memorandum summarizing its analysis of Whelen 2's request to use the alternative compliance method for determining T-REC production for those time periods. Staff interpreted the request as effectively a request for a waiver of the otherwise applicable metering and calculation requirements set forth in Puc 2506. Staff concluded that the Whelen 2 request to use the proposed alternative compliance method of calculating T-REC production on a one-time basis for limited time periods is reasonable under the circumstances, and a rules waiver is the appropriate means of facilitating use of that alternative compliance method. Staff recommended that the Commission approve Whelen 2's proposal to use the alternative compliance method by granting a one-time limited waiver under Puc 201.05 of the otherwise applicable metering and calculation requirements of Puc 2506 to permit the alternative calculation of T-RECs for Q4 2017. The NEPOOL GIS reporting period for Q3 2017 closed on March 15, 2018; therefore only Q4 is eligible for use of the alternative calculation.

The Commission has reviewed the Whelen 2 request and Staff's recommendation and has determined that a rule waiver may be granted in this instance under Puc 201.05 because the one-time limited waiver proposed would not disrupt the orderly and efficient resolution of matters before the Commission and would serve the public interest inasmuch as compliance with the rules would be onerous given the circumstances of the affected person and the purpose of the rules would be satisfied by the alternative method proposed.

Accordingly, the Commission has granted the Whelen 2 facility a one-time limited waiver of the otherwise applicable metering and calculation requirements set forth in Puc 2506 to calculate T-REC eligibility for Q4 2017 using the proposed alternative compliance method.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Debra A. Howland  
Executive Director

cc: Service List  
Docket File

**SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED**

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**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 #: 16-238-1      Printed: April 10, 2018

**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  
EXEC DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429
- 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.**