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June 12, 2019

EDF Energy Services, LLC
Joey Lee Miranda, Esq.
Robinson & Cole, LLP
280 Trumbull Street
Hartford, CT 06103

TransCanada Power Marketing, Ltd.
Sean Brett, President
450 1st St SW
Calgary, AB T2P 5H1

Re: DM 18-075 EDF Energy Services, LLC, EDF Energy Services, LLC and TransCanada Power Marketing LTD's Motion for Transfer of Banked RECs

Dear Ms. Miranda and Mr. Brett:

On May 29, 2019, EDF Energy Services, LLC (EDF) and TransCanada Power Marketing Ltd. (TransCanada) filed a joint "Motion for Transfer of Banked RECs" (Motion) in connection with TransCanada's 2018 transfer of certain assets related to its retail power marketing business to EDF. TransCanada and EDF were both competitive electric power suppliers (CEPS) during 2018 and EDF remains a registered CEPS. The Motion requested that the Commission grant a waiver of N.H. Code Admin. Rules Puc 2503.05 and "any other applicable rules" to permit TransCanada to give to EDF "certain banked Class I renewable energy certificates (RECs)." EDF proposes to use the RECs to meet its 2018 renewable portfolio standard (RPS) compliance requirements. The Motion represented that during 2018 EDF served a total of 234,972 megawatt-hours (MWh) of load attributable to customers it acquired from TransCanada.

Commission Staff (Staff) filed a memorandum on June 6, 2019, in which it described and analyzed the Motion. Staff concluded that TransCanada has 11,432 vintage 2016 Class I non-thermal banked RECs it wishes to give to EDF, and recommended that the Commission approve EDF's use of 5,287 banked RECs for 2018 RPS compliance. Staff noted that, as a result of TransCanada's transfer of customer contracts to EDF, and EDF's assumption of contracts with TransCanada's former customers, EDF essentially stands in TransCanada's shoes for the limited purpose of using banked TransCanada RECs to cover the RPS obligation of the transferred customers' load and, in effect, EDF has become the provider of electricity with respect to those customers' loads.

Staff explained that waiver is necessary because, for vintage 2016 RECs, the applicable trading period within the New England Power Pool generation Information System (NEPOOL GIS) has closed, and thus the use of 2016 RECs cannot be documented through the NEPOOL GIS system.

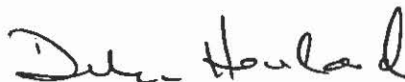
Staff recommended that waiver of N.H. Code Admin. Rules Puc 2503.05(c) (2), Puc 2504.01(c), and Puc 2504.02(c), be granted to permit the Commission to recognize EDF's use of TransCanada's banked 2016 Class I non-thermal RECs without documentation through the NEPOOL GIS system. Waiver in such limited circumstances would serve the public interest by preserving the value of the RECs and maintaining a viable and well-regulated REC market, while avoiding the effective creation of a secondary market in banked RECs. According to Staff, the purpose of the waived rules would be satisfied by recognition of EDF's use of TransCanada's banked vintage 2016 Class I non-thermal RECs associated with 30% of the former TransCanada customers' load, consistent with RSA 362-F:7 and Puc 2503.05(d). Staff therefore recommended that EDF be permitted to use 5,287 of those banked RECs rather than the full quantity of 11,432 banked RECs.

The Commission has reviewed EDF's and TransCanada's Motion and Staff's recommendation, and has found that, in these specific circumstances where EDF effectively stands in the shoes of TransCanada with respect to banked RECs, it is appropriate to permit EDF to use 5,287 vintage 2016 Class I non-thermal RECs banked by TransCanada to meet EDF's 2018 RPS compliance obligation attributable to the load of customers acquired from TransCanada, subject to the 30% statutory limitation.

The Commission waived Puc 2503.05(c), to the extent it required EDF to show the subject banked RECs on its NEPOOL GIS "My Settled Certificates" report, as TransCanada has already made that showing. The Commission found that waiver will serve the public interest and will not disrupt the orderly and efficient resolution of matters before the Commission, and that the purpose of the rules is satisfied by the alternative method proposed, under Puc 201.05. The Commission found that no other rules waivers are required.

The rule waiver is granted contingent upon EDF providing Staff with supporting documentation for the amount of energy it asserts was delivered to former TransCanada customers during 2018 (234,972 MWh). Staff is directed to file a report confirming whether that condition has been met and any proposed adjustment to banked REC recognition if it is not met, following receipt of EDF's 2018 RPS compliance report.

Sincerely,

A handwritten signature in dark ink, appearing to read "Debra Howland", is written over a horizontal line.

Debra Howland
Executive Director

cc: Service List
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Added manually under 6/12/19

Margaret Raymond

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