

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
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Debra A. Howland



PUBLIC UTILITIES COMMISSION
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February 12, 2019

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

Re: REC 19-020, Froling Energy
Request to Serve as an Aggregator of Renewable Energy Certificates

Dear Mr. Van Valkenburgh:

On January 28, 2019, Froling Energy submitted a request to be registered by the Commission as an aggregator of Renewable Energy Certificates (REC) generated by sources producing useful thermal energy, under N.H. Code Admin. Rules Puc 2507. After initial Staff review, it was determined that waivers of certain provisions of Puc 2507.01(a) and Puc 2505.10(a) would be necessary to approve the request.

Puc 2507.01(a) provides that “[a] person not otherwise qualified to obtain certificates may purchase, combine, and re-sell certificates if such person registers as an aggregator pursuant to this section.” Froling Energy is currently qualified to obtain Class I Thermal RECs from an eligible biomass source which it owns and operates. Staff recommended that the Commission waive the application of this rule provision because there is no apparent conflict of interest created by Froling Energy being registered as an aggregator of Class I Thermal RECs in addition to being an owner of the eligible biomass source and obtaining RECs from the useful thermal energy it produces.

Puc 2505.10 (a) provides that “[a] source producing useful thermal energy ... shall retain the services of an independent monitor directly.” According to Froling Energy, the independent monitor with which it plans to work, would not have a direct contractual relationship with the thermal energy sources during the first year, but would have such a direct relationship after the first year. Staff recommended that the Commission waive the application of this rule provision because Froling Energy’s description of how the independent monitor will be compensated is reasonable and would not create a conflict of interest, given that compensation is not based on the quantity of RECs generated, and there is otherwise no prohibited relationship.

Staff determined that Froling Energy meets the aggregator eligibility requirements under Puc 2507, if the two rules waivers were granted, and recommended approval effective as of January 28, 2019.

Based on Staff's recommendation, the Commission has granted waivers of the relevant provisions of Puc 2507.01(a) and Puc 2505.10(a), having found that the waivers will not disrupt the orderly and efficient resolution of matters before the Commission and will serve the public interest, where 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 methods proposed. Accordingly, the Commission has approved registration of Froling Energy as an aggregator of Class I Thermal RECs, effective as of January 28, 2019. The New Hampshire certification code for Froling Energy to act as an aggregator of RECs is NH-19-AGT-0001; the GIS number assigned to Froling Energy is 16022.

Attached please find a copy of the notice of this certification provided to the GIS administrator.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director

cc: Docket File
Service List

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February 12, 2019

James Webb
Registry Administrator
APX Environmental Markets
224 Airport Parkway, Suite 600
San Jose, CA 95110

Re: REC 19-020, Froling Energy
Request to Serve as an Aggregator of Renewable Energy Certificates
New Hampshire Certification Code NH-19-AGT-0001

Dear Mr. Webb:

Please be advised that, pursuant to New Hampshire Code of Administrative Rules Puc 2507, the New Hampshire Public Utilities Commission has approved the registration of Froling Energy as an aggregator of sources producing useful thermal energy effective January 28, 2019. Froling Energy's certification code to act as an aggregator of New Hampshire RECs is NH-19-AGT-0001; the GIS number assigned to Froling Energy is 16022.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director