



Public Service Company of New
Hampshire
Docket No. DE 10-195

Data Request IPP-03

Dated: 10/22/2010
Q-IPP-008-RV01
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Witness: Richard C. Labrecque
Request from: Wood-Fired Small Power Producers

Question:

Does the PPA provide that Renewable Products Payment (as that term is defined in the PPA) will never be less than that which would result under the ACP schedule and mechanism in RSA 362-F, as it exists on June 8, 2010, even if during the PPA term RSA 362-F's ACP schedule and mechanism were subsequently repealed or amended to produce a lower alternative compliance payment? Please explain your answer and provide the references to the PPA sections that inform or direct your answer, inclusive of PPA Section 6.1.2(c).

From Order 25,174 (page 26): "We find responses to these data requests will likely lead to the discovery of admissible evidence and grant the motion to compel PSNH to respond..."

Response:

Section 1.57 of the PPA provides that "Renewable Products Payment" means the alternative compliance payment schedule set forth under NH RSA § 362-F for RECs produced by NH Class I Renewables, as adjusted from time to time, provided that if there is a Change in Law with respect to NH RSA §362-F and/or the New Hampshire statute is pre-empted by later federal law, Parties will use good faith efforts to revise the Renewable Products Payment to conform to the value of any replacement payment available following such Change in Law, consistent with the provisions of Section 23 of this Agreement; and provided further, that for the term hereof, the Renewable Products Payment shall not be less than the alternative compliance payment schedule (including future adjustments) set forth under NH RSA §362-F for RECs produced by NH Class I Renewables as in effect on the date hereof." This provision defines the Renewable Products Payment to not be less than the alternative compliance payment schedule (including future adjustments) set forth under NH RSA §362-F for RECs produced by NH Class I Renewables as in effect on the date of the PPA, i.e., June 8, 2010.