

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 10-195

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY**

**Petition for Approval of Power Purchase Agreement with Laidlaw Berlin
BioPower, LLC**

DE 19-142

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY**

**Rate Recovery of Costs in Excess of the Cumulative Reduction Cap Under the
Power Purchase Agreement with Berlin Station LLC**

**Order *Nisi* Approving Modifications to Orders Nos. 25,213, 26,198, and 26,333
Pursuant to the Terms of SB 271 (2022 N.H. Laws, ch. 275:1)**

O R D E R N O . 26,665

August 11, 2022

In this order, we hereby effectuate the General Court's directive established in SB 271 (2022 N.H. Laws, ch. 275:1), signed by the Governor on June 24, 2022, relating to the terms of our Orders issued in these instant Docket Nos. DE 10-195 (Order No. 25,213 (April 18, 2011) and Order No. 26,198 (December 5, 2018) and DE 19-142 (Order No. 26,333 (February 18, 2020) that govern the terms of the Purchase Power Agreement (PPA) discussed herein.

The PPA in question governs the contractual relationship between Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) and the Burgess BioPower Plant located in Berlin, New Hampshire (Burgess). Burgess is a 75-megawatt facility that generates electrical power from burning low-grade wood, with the output sold to Eversource to meet a portion of the

electrical energy needs of the Company's default service customers. The Commission is responding to the Legislature's directive contained in SB 271; we will therefore refer to the General Court's language in this Order to ensure that we effectuate the Legislature's intent correctly.

Therefore, notwithstanding any other provision of the law to the contrary, we hereby reopen Docket No. DE 10-195, for the purposes of this Order, and forthwith revise our Order No. 25,213 and our Order Nos. 26,198 and 26,333 in the following manner:

The Commission hereby amends our Order No. 25,213 and Orders Nos. 26,198 and 26,333 issued in Docket Nos. DE 10-195 and DE 19-142 to extend the suspension of the operation of the cap on the cumulative reduction factor as set forth on page 97 of Order No. 25,213 for an additional period of one year from the date the operation of the cap would have otherwise taken effect under Order No. 25,213 and Order No. 26,198 and Order No. 26,333 in Docket No. DE 19-142 regarding cost recovery for costs in excess of the cap to apply during the additional period in which the cap is extended. *See* 2018 N.H. Laws, ch. 340:2, I, *as revised by* 2022 N.H. Laws, ch. 275:1.

Furthermore, as required by 2018 N.H. Laws, ch. 340:2, II and *as revised by* 2022 N.H. Laws, ch. 275:1, we hereby order that the Burgess BioPower plant and its affiliates shall make their capital and operating cost and profit and loss records available to the New Hampshire Department of Energy (DOE) for investigation and audit, any of which records may be exempt from public disclosure under RSA 91-A:5, IV, if reasonably so designated by the Burgess BioPower plant. All such records shall also be made available to the Office of the Consumer Advocate (OCA). 2018 N.H. Laws, ch. 340:2, II, *as revised by* 2022 N.H. Law, ch. 275:1. We further order that these

materials be filed with the Commission contemporaneously with the filings made to the DOE and the OCA. RSA 374:4.

Finally, we note that SB 271 requires the DOE to conduct an investigation and audit of the Burgess BioPower Plant's costs and revenues and submit a report thereon to the House Science, Technology, and Energy Committee and to the Senate Energy and Natural Resources Committee of the General Court on or before December 31, 2022. *See* 2018 N.H. Laws, ch. 340:2, II, *as revised by* 2022 N.H. Laws, ch. 275:1. We order that copies of this report be filed contemporaneously with the Commission, *see* RSA 374:4, and the OCA, when filed with the Legislature.

It is our expectation that Burgess and Eversource will update their PPA to incorporate these changes and submit these revisions for our review and approval imminently, similar in manner to the proceeding in Docket No. DE 19-142, conducted in response to comparable prior directives from the General Court. *See* Order No. 26,333 (Feb. 18, 2020). We will act expeditiously regarding this future petition, which will be reviewed in a separate, newly created Commission docket.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that pursuant to the terms of SB 271, the revisions to Orders Nos. 25,213, 26,198, and 26,333, are MADE to take effect as of September 12, 2022, as delineated above; and it is

FURTHER ORDERED, that the Burgess BioPower Plant and its affiliates shall make available its and their capital and operating cost and profit and loss records to the New Hampshire Department of Energy for investigation and audit, any of which records may be exempt from public disclosure under RSA 91-A:5, IV, if reasonably so designated by the Burgess BioPower Plant. All such records shall also be made filed to the Office of the Consumer Advocate and the Commission when filed with the New

Hampshire Department of Energy. The New Hampshire Department of Energy shall conduct an investigation and audit of the plant's costs and revenues and submit a report thereon to the House Science, Technology, and Energy Committee and to the Senate Energy and Natural Resources Committee of the General Court on or before December 31, 2022, and the New Hampshire Department of Energy shall also file a copy of this report with the Commission and the Office of the Consumer Advocate contemporaneously; and it is


FURTHER ORDERED, that Eversource shall cause a copy of this order to be published on its website within one business day of this order, and to be documented by affidavit filed with the Commission on or before August 18, 2022; and it is

FURTHER ORDERED, that persons interested in responding to this order be notified that they may submit their comments or file a written request for hearing, stating the reason and basis for a hearing, no later than August 25, 2022, for the Commission's consideration; and it is


FURTHER ORDERED, that any person interested in responding to such comments or request for hearing shall do so no later than September 1, 2022; and it is

FURTHER ORDERED, that this order shall be effective September 12, 2022, unless Eversource fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this eleventh day of August, 2022.



Daniel C. Goldner
Chairman



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 10-095

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Service List - Docket Related

Docket#: 19-142

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