

STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION
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August 21, 2009

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Mosby G. Perrow
Jones Day
51 Louisiana Avenue, N.W.
Washington, DC 20001

Re: DE 09-125, Mosby G. Perrow on behalf of Sheldon Energy LLC
Certification Application for Class I Eligibility of the High Sheldon Wind Energy Center
Facility Pursuant to RSA 362-F

Dear Mr. Perrow:

On July 6, 2009, you submitted an application on behalf of Sheldon Energy LLC (Sheldon) requesting certification of the High Sheldon Wind Energy Center facility (High Sheldon facility) as eligible to produce Class I renewable energy certificates (RECs) pursuant to RSA 362-F, New Hampshire's Electric Renewable Portfolio Standard law. Staff has reviewed the application and recommended approval noting that the application was complete on July 13, 2009.

Class I eligibility requires a facility to have begun the production of electricity after January 1, 2006 and to use certain sources to produce electricity, one of which is wind energy. The application indicates that the High Sheldon facility has a gross nameplate capacity of 112.5 megawatts and began commercial operation on March 13, 2009. The facility is located at 2363 North Sheldon Road, Strykersville, New York. The NEPOOL generation information system (GIS) facility code has not yet been obtained. The NEPOOL GIS facility code must be provided to the Commission as soon as it is obtained from the GIS administrator.

Based on Staff's recommendation, the Commission has determined that the applicant has provided all the necessary information to demonstrate that the High Sheldon facility is eligible for certification as a Class I facility. Therefore, the Commission hereby certifies that the High Sheldon facility is a Class I renewable energy source effective July 13, 2009 and is eligible to be issued New Hampshire Class I renewable energy certificates. For the issuance of any renewable energy certificates, please be aware that since the facility is located in an adjacent control area, and in accordance with Puc 2504.01 (a)(2), you must provide proof that the associated electricity produced by the facility was imported into the New England control area by submitting to the Commission the following:

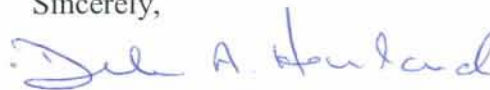
- a) Documentation of a unit-specific bilateral contract that is executed between the source owner, operator, or authorized agent and an electric energy purchaser located within the New England control area;
- b) Proof of associated transmission rights for delivery of the source's electricity to the New England control area;
- c) Documentation that the electricity delivered was settled in the ISO-New England wholesale market system;
- d) Documentation that the source produced the amount of megawatt-hours claimed per hour, as verified by the GIS administrator; and
- e) Confirmation that the electricity delivered received a North American Electric Reliability Corporation tag from the originating control area to the New England control area.

You will initially be required to provide to the Commission documentation of a unit-specific contract, item (a), before the GIS administrator creates the certificates associated with electricity produced in the third quarter 2009, January 10, 2010, and resubmit such documentation when substantial changes are made. Additionally, you will be required to provide to the Commission on a quarterly basis items (b) through (e) when similar information is provided to the GIS administrator as required by GIS Operating Rules 2.7(c).¹

A motion for confidential treatment of Sheldon's Purchase and Sale Agreement for Contract Renewable Energy Credits between Sheldon and NextEra Energy Power Marketing, LLC (REC Agreement) was also filed with the Commission. The motion asserts that the REC Agreement contains commercially sensitive information such as the price and quantity of RECs sold under the agreement. The applicant states that the parties have held this information confidential, that the public disclosure of the information would negatively affect both Sheldon and NextEra in future negotiations, and that the negative effects of public disclosure outweighs the public's need for such information. The motion sets forth a sufficient basis upon which to grant the confidentiality request. Accordingly, the Commission has granted the Motion, subject to the usual condition regarding the Commission's right to reconsider its ruling in the future should circumstances so warrant.

Attached please find a copy of the notice of this certification provided to the GIS administrator. The New Hampshire Renewable Portfolio Standard certification code for the High Sheldon facility is NH-I-09-028.

Sincerely,



Debra A. Howland
Executive Director

Encl.

cc: Steve Bystriansky, Sheldon Energy LLC

¹ The GIS deadline is the tenth day of the second quarter following the quarter during which the electricity was generated.