



March 25, 2011

Ms. Maureen Reno  
NHPUC  
21 S. Fruit St., Suite 10  
Concord, NH 03301-2429

RE: Review of RSA 362-F / March 15, 2011 Workshop Minutes

Dear Ms. Reno,

After reviewing the minutes of the March 15, 2011 workshop concerning RPS class requirements, I disagree with the characterization contained in part III. B. This section states that:

There was a near unanimous consensus that the RPS requirements for all classes must be extended beyond 2025 because all sources have a 20 to 25 year life and rely on this revenue stream through the majority of that project life. It may be instructive to follow the development of the Laidlaw project case and SB 118, which proposes to remedy this issue by inserting the word "thereafter."

My recollection is that, of the twenty or so participants in attendance, only four commented on this issue. One participant complained that Class II REC prices are unpredictable for the next twelve years and then go to zero in 2026, and stated that the requirements should be extended to match the 25 year life span of solar installations. Mr. Saltsman of Concord Power stated that he was curious why the legislature ended the RPS requirements in 2025 and recommended extension. PSNH's representative, Mr. Labrecque, stated that parties to the Laidlaw Berlin BioPower contract approval docket disagreed whether the RPS requirements end in 2025 and requested a "clarification" that the law already extends beyond that year. Mr. Harrington of The Nature Conservancy informed the participants that an amendment to Senate Bill 118 that would extend the RPS requirements beyond 2025 was to be introduced in the Senate Energy and Natural Resources Committee.

The statements of the first three participants cannot be characterized as "near unanimous consent," not only due to their limited number, but also because these participants could not even agree whether an extension or a "clarification" was in order. Further, when Mr. Harrington informed the participants of the impending amendment of Senate Bill 118, he stated no preference for an outcome. To the extent that Mr. Harrington's comment might be understood to

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mean that Senate Bill 118 would "remedy" the issue by extending the RPS beyond 2025, the Senate has decided not to do so.

I ask that you consider circulating draft minutes for comment in the future. In the meanwhile, based upon the foregoing, I request that the minutes of the meeting be revised to state that the issue whether to extend RPS requirements beyond 2025 was discussed by a few participants, but no consensus vote was taken, and no consensus was reached.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Shulock". The signature is fluid and cursive, with a long horizontal stroke at the end.

David J. Shulock, Esq.