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PUBLIC UTILITIES COMMISSION

21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

August 7, 2017

Emily Zambuto  
Innovative Energy Systems, LLC  
2999 Judge Road  
Oakfield, NY 14125

Re: Seneca Falls LFGE Landfill Electric Generation Facilities  
DE 08-175; NH RPS Cert. Code NH-III-09-010; GIS Code IMP 32513; 5.6 MW  
DE 08-175; NH RPS Cert. Code NH-III-09-011; GIS Code IMP 32528; 5.6 MW  
Senate Bill 129 Decertification of RPS Class III Eligibility for Landfill Methane Gas  
Generation Sources with Total Aggregate Nameplate Capacity Exceeding 10 MW

As a result of amendments to RSA 362-F affecting the New Hampshire Renewable Portfolio Standard (RPS), pursuant to recently-enacted legislation, Senate Bill 129, 2017 N.H. Laws Chapter 226, effective July 11, 2017 (SB 129), the Seneca Falls Landfill electric generation facilities referenced above have been decertified and will no longer be eligible to produce New Hampshire Class III renewable energy certificates (RECs) for any electricity generated after the first quarter of 2017 (i.e., from and after April 1, 2017), except for the production and sales of RECs pursuant to any exempted contract entered into prior to July 11, 2017.

SB 129 amended the RPS Class III eligibility requirements for existing landfill methane gas sources of renewable energy, set forth in RSA 362-F:4, III (b), as follows:

Effective for electricity production commencing January 1, 2017, methane gas shall not qualify for class III if the production is from a source or sources which began operation prior to January 1, 2006 and which source exceeds, or sources exceed, a total gross nameplate capacity of 10 MWs in the aggregate located at any single landfill site. All phases, stages, cells, lifts, expansions, and other landfill areas shall be combined in determining the single landfill site gross nameplate capacity. Only class III and potential class III eligible sources at any single landfill site shall be included in determining whether the 10 MW aggregate limitation has been exceeded.

SB 129 contains "grandfathering" provisions for certain RECs issued based on the electricity production of the newly-decertified landfill methane gas generation facilities larger than 10 MW, and for certain REC purchase contracts with such generation facilities entered into before the effective date of the amendments. RSA 362-F:15, II and III now provide as follows:

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II. The change in the class III methane gas eligibility requirements in RSA 362-F:4, III (b) as compared to the class III methane gas eligibility requirements in effect as of January 1, 2017 shall not apply to class III methane gas certificates:

(a) Acquired pursuant to a contract entered into before the effective date of this section for the contract term, provided that the contract term in effect before such effective date has not been extended or otherwise increased after that date; or


(b) That are 2017 calendar year certificates issued before the first day of the first month of the calendar quarter following such effective date.

III. Providers shall inform the commission by July 1 of each year, through July 1, 2020, of all such exempted contracts, including but not limited to, the execution date and expiration date of the contract, the basis for exemption under this section, and if applicable, the annual megawatt hours supplied and exempted, or the annual amount of exempted methane gas certificates and the basis for exemption. All such information filed with the commission shall be exempt from the provisions of RSA 91-A:5, IV.

The Seneca Falls Landfill New Hampshire Class III renewable energy sources referenced above have been determined to have a total aggregate gross nameplate capacity in excess of 10 MW located at a single landfill site, including all phases, stages, cells, lifts, expansions, and other landfill areas, and therefore have been decertified from New Hampshire RPS eligibility as required by SB 129.

New Hampshire Class III RECs produced by those Seneca Falls Landfill sources for periods after the first quarter of 2017 (i.e., from and after April 1, 2017) may not be used for New Hampshire RPS compliance, unless the RECs were purchased pursuant to a contract entered into before July 11, 2017 for the term of such contract, provided that the term of the contract has not been extended or otherwise increased after that date.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with the last name "Howland" being more prominent.

Debra A. Howland  
Executive Director

**SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED**

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**Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.**

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Docket #: 08-175-1      Printed: August 07, 2017

**FILING INSTRUCTIONS:**

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:
- DEBRA A HOWLAND  
EXEC DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.