

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION
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TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

December 12, 2011

Michael Caplan
Director, Renewables
Fortistar Methane Group LLC
One North Lexington Avenue
White Plains, NY 10601

Re: DE 10-191, Fortistar Methane Group, LLC
Request for Recognition of NH Class III RECs for the Period January 1, 2011 through
March 31, 2011.

Dear Mr. Caplan:

On October 10, 2011, you submitted a letter to the Commission requesting that the Commission inform the New England Power Pool Generation Information System (NEPOOL GIS) Administrator that certain New Hampshire Renewable Energy Certificates (RECs) generated from the Four Hill Landfill Reducer not currently recognized by the NEPOOL GIS be accepted for compliance with New Hampshire's Renewable Portfolio Standard law, RSA 362-F:13. Your letter states that the emissions information for the period January 1, 2011 through March 31, 2011 (Q1 2011) was not entered in the NEPOOL GIS system prior to July 11, 2011 because of the absence of the employee responsible for entering the information.

As a result of this error, production from the facility during this period may not be eligible for Renewable Energy Certificates (RECs) inasmuch as NEPOOL GIS operating rules do not provide for certificate adjustment when the account holder commits the error. According to communication from James Webb, NEPOOL GIS Administrator, the GIS in this instance and in other similar situations, has advised plant managers to contact the appropriate state regulatory agency and request that the agency recognize the production as "RPS compliant" during the annual filing process. Fortistar is, therefore, requesting that the Commission issue an attestation saying that even though the NEPOOL GIS does not display Fortistar's Q1 2011 RECs as NH RPS eligible, the Commission will still accept them for RPS compliance when the end user retires them at the end of the year.

Pursuant to RSA 362-F:6, the RPS program utilizes the GIS administered by ISO-New England and NEPOOL. Certification of whether a particular generation unit meets the

requirements to produce New Hampshire RECs is assigned to the Commission by statute and reported to the GIS. *See* RSA 362-F:11. This authority is consistent with the GIS which, by design, relies on state agencies to certify REC-compliant facilities. The Commission certified the Fortistar facility as eligible to produce Class III RECs on October 14, 2010. The RECs in question are summarized on the following table:

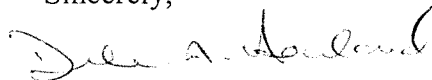
Month of Generation	NH Certification #	Unit ID	Unit Name	Fuel Type	Certificate Numbers
2011/1	NH-III-10-103	MSS194	Four Hills Landfill Reducer	Landfill Gas	295780 – 1 to 1139
2011/2	NH-III-10-103	MSS194	Four Hills Landfill Reducer	Landfill Gas	295943 – 1 to 654
2011/3	NH-III-10-103	MSS194	Four Hills Landfill Reducer	Landfill Gas	295824 – 1 to 700
2011/3	NH-III-10-102	MSS943	Four Hills Landfill	Landfill Gas	295836 – 1 to 9

The Commission has determined that it is consistent with its statutory authority and the GIS to recognize the Q1 2011 production of the Fortistar plant as eligible Class III RECs, subject to the following conditions:

1. A notarized statement shall be made/signed by whomever is now the Authorized Representative of the Four Hill Landfill Reducer, attesting that the GIS certificates listed in the statement have not otherwise been, nor will be, sold, retired, claimed, used, or represented as part of electrical energy output or sales, or used to satisfy obligations, in jurisdictions other than New Hampshire. Such statement must be accompanied by documentation that said individual has been duly authorized by the Four Hill Landfill Reducer to serve as its Authorized Representative.
2. That notarized statement and a copy of this letter shall be provided to the Retail Electricity Supplier to which the certificates are transferred, and that Supplier shall submit a copy of the statement and this letter to the Commission as part of its 2011 RPS Class III annual compliance filing.

This decision regarding the Q1 2011 certificates shall not be regarded as establishing a precedent, and the Commission may deny any similar Fortistar requests for a waiver in the future. Attached please find a copy of the notice of this letter provided to the GIS administrator.

Sincerely,



Debra A. Howland
Executive Director

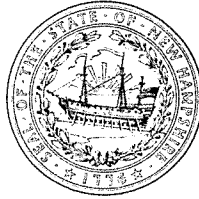
cc: James Webb, Registry Administrator, NYSE Blue

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December 12, 2011

James Webb
Registry Administrator
NYSE Blue
224 Airport Parkway, Suite 600
San Jose, CA 95110

Re: DE 10-191, Fortistar Methane Group, LLC
Request for Recognition of NH Class III REC's for the Period January 1, 2011
through March 31, 2011.

Dear Mr. Webb:

On October 10, 2011, Michael Caplan, Fortistar Methane Group LLC, submitted a letter to the Commission requesting us to inform you that certain New Hampshire Renewable Energy Certificates (REC's) generated from the Four Hills Landfill Reducer (DE 10-191) (not currently recognized by the GIS) be accepted for RPS compliance. Mr. Caplan's letter states that the emissions information for the period January 1, 2011 through March 31, 2011 was not entered in the GIS system prior to July 11, 2011 because of the absence of the employee responsible for entering the information.

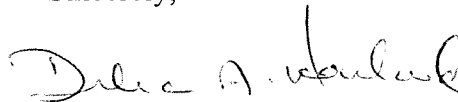
If generators fail to enter the required data before the deadline, the GIS locks out the generator from entering data relating to the relevant quarter and there is no mechanism for the RPS eligibility to be added back. Fortistar is therefore requesting that the Commission issue an attestation saying that even though the NEPOOL GIS does not display Fortistar's Q1 2011 REC's as NH RPS eligible, the NH PUC will still accept them for RPS compliance when the end user retires them at the end of the year.

The REC's in question are summarized on the following table:

Month of Generation	NH Certification #	Unit ID	Unit Name	Fuel Type	Certificate Numbers
2011/1	NH-III-10-103	MSS194	Four Hills Landfill Reducer	Landfill Gas	295780 – 1 to 1139
2011/2	NH-III-10-103	MSS194	Four Hills Landfill Reducer	Landfill Gas	295943 – 1 to 654
2011/3	NH-III-10-103	MSS194	Four Hills Landfill Reducer	Landfill Gas	295824 – 1 to 700
2011/3	NH-III-10-102	MSS943	Four Hills Landfill	Landfill Gas	295836 – 1 to 9

The Commission has reviewed Mr. Caplan's letter, supporting documentation and the GIS Operating Rules and determined that the above referenced RECs from January 1 through March 31, 2011 will be accepted for RPS compliance when the end user retires them at the end of the year.

Sincerely,



Debra A. Howland
Executive Director

cc: Michael Caplan, Fortistar Methane Group LLC

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

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 #: 10-191-1 Printed: December 12, 2011

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
EXECUTIVE 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.