



**Public Service Company of New  
Hampshire  
Docket No. DE 10-195**

**Data Request IPP-03**

**Dated: 10/22/2010**

**Q-IPP-007-RV01**

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**Witness: Richard C. Labrecque**  
**Request from: Wood-Fired Small Power Producers**

**Question:**

Does the PPA provide that the amount of NH Class I RECs available to be purchased under the PPA during its term will:

- a. not be affected by a Change in Law?
- b. be determined under and by the term of RSA 362-F in effect as of June 8, 2010? Please explain your answer and provide the references to the PPA sections that inform or direct your answer, inclusive of PPA Section 6.1.2(c).

From Order 25,174 (page 26): "We find responses to these data requests will likely lead to the discovery of admissible evidence and grant the motion to compel PSNH to respond..."

**Response:**

Section 1.44 of the PPA provides that "NH Class I Renewable Energy Credits' or 'NH Class I RECs' shall mean REC produced or, in the event of a Change of Law that would have been produced, by the Facility pursuant to its qualification as a renewable energy source as defined in the NH Class I Renewable Statutes at NH RSA § 362-F, as in effect on the Effective Date, and regardless of any subsequent Change in Law." This provision defines NH Class I RECs as that set forth in RSA Chapter 362-F as that law was in effect on the "Effective Date" of the PPA, *i.e.*, June 8, 2010. If a future Change in Law somehow affected that obligation, the impact would be addressed pursuant to Section 23.1.