

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Martin P. Honigberg

COMMISSIONERS
Kathryn M. Bailey
Michael S. Giaimo

EXECUTIVE DIRECTOR
Debra A. Howland



PUBLIC UTILITIES COMMISSION

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

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-2431

FAX (603) 271-3878

Website:
www.puc.nh.gov

August 21, 2018

Ryan Harwell
Direct Energy
12 Greenway Plaza, Suite 250
Houston, TX 77046

Re: Direct Energy Business (DM 15-373) and Direct Energy Business Marketing (DM 13-260)
Recognition of Certain 2017 Class I Renewable Energy Certificates (RECs) and
Granting Waiver of Puc 2503.03(d)

Dear Mr. Harwell:

On June 28, 2018, Direct Energy Business (DEB), Direct Energy Business Marketing (DEBM), and Direct Energy Services (DES), filed their Renewable Portfolio Standard (RPS) compliance reports for calendar year 2017 in accordance with RSA 362-F:8 and Puc 2505.03. Those three entities are registered with the Commission as competitive electric power suppliers (CEPS) and are all affiliates owned by Direct Energy (DE) of Houston, Texas. Subsequent to the report submission, DEB and DEBM informed Commission Staff that an excess number of New Hampshire Class I renewable energy certificates (RECs) had been inadvertently retired in the NEPOOL GIS (GIS) subaccount for DEB and an insufficient number of New Hampshire Class I RECs had been inadvertently retired in the GIS subaccount for DEBM to meet its 2017 RPS obligation. DE realized that, if it were allowed to move the needed quantity of Class I RECs from DEB to DEBM, its total alternative compliance payment amount due would be significantly reduced.

By letter dated August 2, 2018, DE made its request to the Commission to allow use of the necessary number of New Hampshire Class I RECs from its DEB account to be used by DEBM for 2017 RPS compliance. The table below provides the details of the 3,782 New Hampshire Class I RECs currently retired by DEB that are proposed to be reallocated to and used by DEBM:

SubAccount ID/State	Unit ID	Unit Name	State (Location)	Fuel Type	Year/ Mon of Gen	Certificate Serial #s	Quantity	Intended Account/State
13621 DEB / NH	IMP32 979	Seneca_Energy- ME & NH	NY	Landfill Gas	2017/10	1923482-1 to 3115	3115	15296 DEBM/NH
13621 DEB / NH	IMP32 957	Fulton	NY	Landfill Gas	2017/6	1545202-1 to 667	667	15296 DEBM/NH
TOTAL							3,782	

On August 16, 2018, Staff filed a memorandum recommending that the DE companies' request should be considered a request for waiver of Puc 2503.03(d), to permit the reallocation of Class I RECs from DEB to DEBM for 2017 RPS compliance without the filing of revised GIS "My Settled Certificates Disposition" reports. Staff recommended that the rule waiver be granted by the Commission.

After review of the DE request and Staff's recommendation, the Commission has approved the proposed waiver of Puc 2503.03(d) to permit reallocation of the specified number of Class I RECs from DEB to DEBM for use to meet DEBM's 2017 RPS compliance obligation. The Commission found that the proposed rule waiver is in the public interest as contemplated by Puc 201.05.

Neither DEB, nor DEBM, nor any of their affiliates can sell, retire, claim, or represent as part of electrical energy output or sales or use these RECs to satisfy obligations in other jurisdictions. Further, the Commission reminds each of DE's affiliates that it remains the responsibility of each RPS compliance entity to ensure that RECs are properly settled in the appropriate GIS compliance subaccount.

This decision regarding the aforementioned RECs is not to be regarded as establishing a precedent, and the Commission may deny any similar requests from DE affiliates or any other RPS compliance entity in the future.

Sincerely,



Debra Howland
Executive Director

cc: Karen Cramton, NHPUC
David Wiesner, NHPUC
Stephen Eckberg, NHPUC

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.

Executive.Director@puc.nh.gov
amanda.noonan@puc.nh.gov
bryan.connelly@puc.nh.gov
david.goyette@puc.nh.gov
david.wiesner@puc.nh.gov
leszek.stachow@puc.nh.gov
ocalitigation@oca.nh.gov
Otibo.Arthur@directenergy.com
ryan.harwell@directenergy.com
tom.frantz@puc.nh.gov

Docket #: 15-373-1 Printed: August 21, 2018

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.**