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DEPARTMENT OF ENERGY
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Daniel C. Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301-2429

March 11, 2024

Re: DE 24-032 Public Service Company of New Hampshire d/b/a Eversource Energy
Burgess Plant Bankruptcy Settlement Review Pursuant to RSA 365:28 and Allied Statutes – DOE
Position Statement

Dear Chairman Goldner:

On February 28, 2024, the United States Bankruptcy Court for the District of Delaware (Bankruptcy Court) issued an order approving a settlement agreement between Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) and the owners of the Burgess BioPower plant in Berlin, New Hampshire (Burgess BioPower, LLC and Berlin Station, LLC, together, 'Burgess Plant') (the Burgess Plant Settlement).

On February 28, 2024, the Commission issued a Notice of Hearing and Commencement of Adjudicative Proceeding to assess the Burgess Plant Settlement pursuant to all relevant Commission Orders and statutes, including RSA Chapters 374, 374-F, and 378, and to engage in factual inquiries related thereto. In that order, the Commission requested the Department of Energy (Department), and any other interested party, file its position statement regarding the Burgess Plant Settlement not later than March 11, 2024.

The Power Purchase Agreement (PPA) between Eversource and Burgess Plant was rejected under applicable law, with approval of the Bankruptcy Court (a court of competent jurisdiction). As such, the Department views that contract as void. The Department takes no position on the Burgess Plant Settlement approved by the Bankruptcy Court. The Department believes any remaining matters related to costs incurred from the PPA or its termination should be viewed in the context of Eversource's Stranded Cost Recovery Charge, the rate mechanism through which these costs flow, and addressed accordingly by the Commission. Thus, the Department does not object to these rate related issues being addressed in DE 23-091.

Pursuant to current Commission policy, this filing is being made electronically only.

Sincerely,

A handwritten signature in black ink that reads "Matthew C. Young".

Matthew C. Young
Hearings Examiner/Staff Attorney

cc: Docket Service List

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A A A



Service List - Docket Related

Docket# : 24-032

Printed: 3/11/2024

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