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September 19, 2016

John Wassam
Business Analyst
Electricity N.H., LLC
c/o Provider Power LLC
306 Rodman Road
Auburn, ME 04211

Re: DM 12-075, Electricity N.H., LLC - 2015 Renewable Portfolio Standard Compliance Waiver of Puc 2503.05(c)(2)

Dear Mr. Wassam:

On September 12, 2016, Electricity N.H., LLC (ENH) requested a waiver of Puc 2503.05(c)(2) to allow 1,554 Class I (vintage 2015) RECs and 9 Class III (vintage 2015) RECs retired in the NEPOOL-GIS (GIS) reserve account to be banked for future compliance with the New Hampshire Renewable Portfolio Standard (RPS), notwithstanding the fact that those RECs are not shown as retired in the GIS "My Settled Certificate Disposition" report because they were not retired in the retail subaccount. ENH confirmed in its waiver request letter that the Class I and Class III RECs retired in its GIS reserve account "have not been and will not be sold, transferred or used for compliance in any other state."

Commission Staff filed a memorandum on September 15, 2016, in which it analyzed ENH's waiver request and recommended that the Commission grant another one-time waiver of Puc 2503.05(c)(2), so that ENH may bank its 1,554 Class I (vintage 2015) RECs and 9 Class III (vintage 2015) RECs for future RPS compliance. Staff indicated it had confirmed with the GIS administrator that ENH's 1,554 Class I RECs and 9 Class III RECs that were retired in the reserve account have not been used in another state or other jurisdiction. Citing the Commission's authority to grant rules waivers under N.H. Code Admin. Rules Puc 201.05, Staff maintained that ENH has satisfied the "purpose of the rule ... by an alternative method," and that compliance with the rule may be onerous given that the estimated impact is approximately $87,000. Because ENH retired the 1,554 Class I RECs and 9 Class III RECs in its GIS reserve account and has not used the RECs in another state or jurisdiction, its banking of those RECs for future use is appropriate and serves the purpose of the RPS program, according to Staff. Staff therefore asserted that the requested rule waiver would serve the public interest.

Staff noted that in 2015 the Commission granted a one-time waiver for a similar request from ENH, and Staff further recommended that the Commission indicate that future similar requests from ENH may not be granted, because ENH has shown in its recent filing that it knows how to retire RECs in its retail subaccount, including RECs that it plans to bank for future use. Given that ENH knows how to retire the RECs correctly, dealing with repeated rule waiver requests would be an administrative burden for Staff and the Commission, and may "disrupt the orderly and efficient resolution of matters" before the Commission, in contravention of Puc 201.05, according to Staff.

The Commission has approved Staff's recommendation that a one-time waiver of Puc 2503.05(c)(2) be granted as requested by ENH, having found that the waiver would serve the public interest and not disrupt the orderly and efficient resolution of matters before the Commission in this instance. Accordingly, ENH may bank the 1,554 Class I (vintage 2015) RECs and 9 Class III (vintage 2015) RECs retired in its GIS reserve account for future compliance with the New Hampshire RPS.

The Commission has also determined that no future waivers of Puc 2503.05(c)(2) will be granted to ENH in similar circumstances. In view of its years of experience of operating in the New Hampshire market, ENH should be well aware of the correct means of retiring RECs for New Hampshire RPS compliance and should take the necessary actions to ensure such compliance without the need for any further rule waivers.

Sincerely,

Debra A. Howland
Executive Director

cc: Service List
Docket File