

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
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Website:
www.puc.nh.gov

June 6, 2012

David Velasco
Director, Operations
Nautilus Solar Silvermine, LLC
396 Springfield Ave, 2nd Floor
Summit, NJ 07901

Re: DE 08-128, Nautilus Solar Silvermine, LLC
Request for Recognition of NH Class II RECs for Q1, (January 1, 2011 through March 31, 2011) and Q3 (July 1 through September 30, 2011) RECs as NH RPS eligible

Dear Mr. Velasco:

On January 17, 2012, the Commission received a letter from you requesting that the Commission permit certain RECs generated from the Nautilus Solar Silvermine (Nautilus Solar) (DE 08-128) to be banked and made available during the next trading period. A request for additional information was sent February 3, 2012; a response was received March 29, 2012. Your letter states that Nautilus Solar could not access the GIS account because the individual responsible for managing the account, uploading generation, and banking certificates, left the company. Prior to leaving this individual did not record the necessary process steps to manage the account and thus the RECs created for Q1 (January 1, 2011 through March 31, 2011) and Q3 (July 1 through September 30, 2011) were not recorded as NH RPS eligible.

As a result of this error, production from the facility during Q1 and Q3 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 others 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. Nautilus Solar is, therefore, requesting that the Commission issue an attestation saying that even

though the NEPOOL GIS does not display Nautilus Solar's Q1 and Q3 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 Nautilus Solar facility as eligible to produce Class II RECs on October 21, 2008. The RECs in question are summarized on the following table:

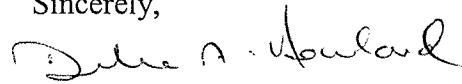
Month of Generation	NH Certification #	Unit ID	Unit Name	Fuel Type	Certificate Numbers
2011/1	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	293606 – 1 to 3
2011/2	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	293651 – 1 to 8
2011/3	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	293883 – 1 to 35
2011/7	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	318975 – 1 to 50
2011/8	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	318976 – 1 to 41
2011/9	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	318977 – 1 to 32

The Commission has determined that it is consistent with its statutory authority and the GIS to recognize the Q1 and Q3 2011 production of the Nautilus Solar facility as eligible Class II RECs, subject to the following conditions:

1. A notarized statement shall be made/signed by whomever is now the Authorized Representative of Nautilus Solar, 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 Nautilus Solar 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 II annual compliance filing.

This decision regarding the Q1 and Q3 2011 certificates shall not be regarded as establishing a precedent, and the Commission may deny any similar Nautilus Solar requests for a waiver in the future. Attached please find a copy of the notice of this letter provided to the GIS administrator.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with the first name "Debra" being the most prominent part.

Debra A. Howland
Executive Director

cc: James Webb, Registry Administrator, APX Environmental Markets

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June 6, 2012

James Webb
Registry Administrator
APX Environmental Markets
224 Airport Parkway, Suite 600
San Jose, CA 95110

Re: DE 08-128, Nautilus Solar Silvermine, LLC
Request for Recognition of NH Class II RECs for the Q1, (January 1, 2011 through
March 31, 2011) and Q3 (July 1 through September, 30, 2011) RECs as NH RPS eligible

Dear Mr. Webb:

On January 17, 2012, the Commission received a letter from David Velasco, Nautilus Solar Silvermine (Nautilus Solar) (DE 08-128) requesting that the Commission permit certain RECs generated from Nautilus Solar to be banked and made available during the next trading period. A request for additional information was sent February 3, 2012; a response was received March 29, 2012. Mr. Velasco's letter states that Nautilus Solar could not access the account because the individual responsible for managing the account, uploading generation, and banking certificates, left the company. Prior to leaving this individual did not record the necessary process steps to manage the account and thus the RECs created for Q1 (January 1, 2011 through March 31, 2011) and Q3 (July 1 through September 30, 2011) were not recorded as NH RPS eligible.

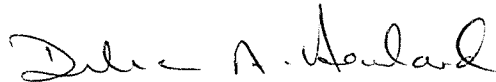
If generators fail to enter the required data before the deadline, the GIS locks out the generator from entering data relating to the relevant quarter and there is no mechanism for the RPS eligibility to be added back. Nautilus Solar is therefore requesting that the Commission issue an attestation saying that even though the NEPOOL GIS does not display Nautilus Solar's Q1 and Q3 RECs 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 unsettled 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-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	293606 – 1 to 3
2011/2	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	293651 – 1 to 8
2011/3	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	293883 – 1 to 35
2011/7	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	318975 – 1 to 50
2011/8	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	318976 – 1 to 41
2011/9	NH-II-08-018	NON32755	Nautilus Solar Silvermine	Solar	318977 – 1 to 32

The Commission has reviewed Mr. Velasco's letter, supporting documentation and the GIS Operating Rules and determined that the above referenced RECs from Q1 and Q3, 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: David Velasco, Nautilus Solar Silvermine, 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 #: 08-128-1 Printed: June 06, 2012

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.