

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** June 15, 2009

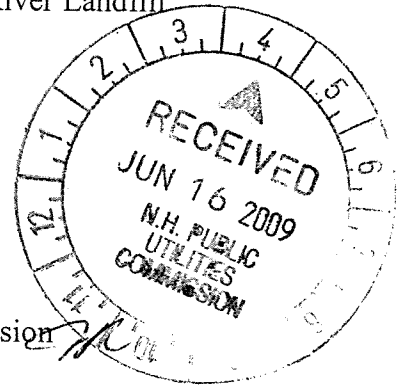
**AT (OFFICE):** NHPUC

**FROM:** Maureen L. Reno *MLR*  
Utility Analyst III

**SUBJECT:** DE 09-043, Evolution Markets on behalf of Gas Recovery Systems, LLC Application for Class III Eligibility of the Fall River Landfill Facility Pursuant to RSA 362-F  
Staff Recommendation

**TO:** Chairman Thomas B. Getz  
Commissioner Graham J. Morrison  
Commissioner Clifton C. Below  
Debra A. Howland, Executive Director and Secretary

**CC:** Jack K. Ruderman, Director, Sustainable Energy Division  
Suzanne Amidon, Staff Attorney



### *Summary*

On March 6, 2009, Evolution Markets submitted an application on behalf of Gas Recovery Systems, LLC requesting the Commission grant approval of the Fall River landfill methane gas facility (Fall River facility) to produce Class III Renewable Energy Certificates (RECs) pursuant to RSA 362-F, New Hampshire's Electric Renewable Portfolio Standard law. Pursuant to RSA 362-F:4, III, Class III eligibility requires a facility to have begun the production of electricity prior to January 1, 2006 using either eligible biomass technologies having a gross nameplate capacity of 25 megawatts (MW) or less or methane gas.

Pursuant to RSA 362-F, the Commission, in a non-adjudicative process, is required to issue a determination of whether a facility meets a particular classification within 45 days of a completed application. The Fall River facility application was completed on May 4, 2009. The Fall River facility meets the Class III eligibility requirements under RSA 362-F:4, III. Evolution Markets has complied with the N. H. Code Admin. Rule Puc 2500 and has provided all the necessary information. Based on its review of the application, Staff recommends that the Commission approve the Fall River landfill gas facility as eligible for Class III RECs effective May 4, 2009.

## ***Analysis***

The Fall River facility is located at 1080 Airport Road, Fall River, Massachusetts. The project's initial commercial operation date was August 21, 2000. It has a gross nameplate capacity of 5.7 megawatts. The NEPOOL generation information system facility code is MSS1432.

Pursuant to Puc 2505.02 (b) (8), the applicant is required to submit proof that it has "an approved interconnection study on file with the commission, is a party to a currently effective interconnection agreement, or is otherwise not required to undertake an interconnection study." The applicant submitted and Staff verified Browning Ferris Gas Services Inc.'s "Interconnection Agreement" with Eastern Edison Company effective April 30, 1999.<sup>1</sup>

Pursuant to Puc 2505.02 (b) (11), the applicant is required to include a statement as to whether the facility has been certified under another non-federal jurisdiction's renewable portfolio standards and proof thereof. The Fall River facility has been certified in Connecticut as a Class I source and in Massachusetts as a New Renewable Energy Generator.

## ***Recommendation***

Staff has reviewed Evolution Markets' application for the Fall River landfill gas facility and can affirm it is complete pursuant to N. H. Code Admin. Rule Puc 2500. Staff recommends that the Commission certify the Fall River landfill gas facility as being eligible for Class III RECs effective May 4, 2009, the date on which Staff was able to make a determination that the facility met the requirements for certification as a Class III renewable energy source.

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<sup>1</sup> The interconnection agreement lists Browning Ferris Gas Services Inc. (BFGSI) as the owner of the Fall River facility. Staff asked the applicant to explain why the party on the interconnection agreement does not match that of owner of the facility Gas Recovery Systems, a subsidiary of Fortistar. On May 4, 2009, the applicant provided an explanation stating that BFGSI changed names to Gas Recovery Services Inc on May 15, 2000 when Gas Recovery Systems LLC purchased BFGSI. The company then merged Gas Recovery Services Inc into Gas Recovery Systems, Inc. which was then operating as a California corporation and converted Gas Recovery Systems into a limited liability company, Gas Recovery Systems, LLC on March 24, 2004, which is the entity Fortistar purchased.