

STATE OF NEW HAMPSHIRE

Intra-Department Communication

DATE: January 29, 2013

AT (OFFICE): NHPUC

FROM: Barbara Bernstein *AR for BB*
Sustainable Energy Analyst

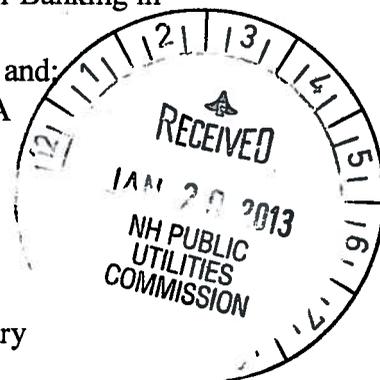
SUBJECT: Tioga Energy, Inc.'s Request for Recognition of Class II Renewable Energy Certificates (RECs) Intended for Banking in Quarter Two 2012 for:

- DE 10-267 BJ's Club #55 – Attleboro, MA, and
- DE 10-268 BJ's Club #58 – Leominster, MA

Staff Recommends Approval

TO: Chairman Amy L. Ignatius
Commissioner Robert R. Scott
Commissioner Michael Harrington
Debra A. Howland, Executive Director and Secretary

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



Analysis

On January 07, 2013, the Commission received a letter from Erik Richardson, Technical Sales Analyst, Tioga Energy, Inc., (Tioga Energy) requesting that the Commission reinstate 272 RECs generated from the BJ's Club #55, Attleboro (BJ's #55) and BJ's Club #58, Leominster (BJ's #58) facilities into Tioga's banked account so that they can be transferred during the 2012 trading period.

Mr. Richardson has clarified that Tioga Energy's previous manager of these accounts did not leave instructions on the need to bank the RECs from BJ's Club #55 and BJ's Club #58 during the Quarter Two (Q2) (April 1 through June 30, 2012) trading period; therefore, the RECs generated were not entered into the GIS system prior to the end of the Q2 trading period. This caused the RECs to be retired towards the Residual Mix.¹ To resolve this discrepancy, the Commission has the authority to issue a secretarial letter approving the reinstatement of the RECs back into Tioga Energy's banked account. This will enable the RECs in question to be transferred during the 2012 trading period even though the NEPOOL GIS does not display Q2 RECs for BJ's #55 and BJ's #58 as NH RPS eligible.

¹ Mr. Webb, the NEPOOL GIS Administrator, verified the unbanked RECs.

The GIS Administrator submitted the following table that provides a summary of the RECs in question:

Quarter	Month of Generation	NH Certification #	Unit ID	Unit Name	Fuel Type	Certificate Numbers	Quantity	NH Class
2	2012/Apr	NH-II-11-006	NON32983	BJ's #55	Solar PV	347818 – 1 to 50	50	II
2	2012/May	NH-II-11-006	NON32983	BJ's #55	Solar PV	347819 – 1 to 42	42	II
2	2012/Jun	NH-II-11-006	NON32983	BJ's #55	Solar PV	37820 – 1 to 53	53	II
2	2012/Apr	NH-II-11-005	NON32984	BJ's #58	Solar PV	347817 1 to 44	44	II
2	2012/May	NH-II-11-005	NON32984	BJ's #58	Solar PV	347816 1 to 37	37	II
2	2012/Jun	NH-II-11-005	NON32984	BJ's #58	Solar PV	347815 1 to 46	46	II

Staff Recommendation

Staff recommends that the Commission grant Tioga Energy's request and issue a secretarial letter stating that even though the NEPOOL GIS does not display Q2 RECs for BJ's #55 and BJ's #58 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. Staff recommends the secretarial letter request the following:

- A notarized statement by the Authorized Representative of Tioga Energy, 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.
- That a notarized statement and a copy of the secretarial letter shall be provided to the Retail Electricity Supplier to which the certificates are transferred; and,
- That the Supplier shall submit a copy of the notarized statement and the secretarial letter to the Commission as part of its 2012 RPS Class II annual compliance filing.

In addition, staff recommends the Commission note that this decision regarding the 2012 Q2 certificates shall not be regarded as establishing a precedent, and the Commission may deny any similar request for a waiver in the future.

Staff finds that Tioga Energy's error was inadvertent, and that correcting the mistake will not adversely affect the RPS program. Further, Staff finds that it is in the best interests of the RPS that the certificates at issue be honored for 2012 RPS Class II compliance.