

THE STATE OF NEW HAMPSHIRE

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Debra A. Howland



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

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Website:
www.puc.nh.gov

January 29, 2013

Erik Richardson
Technical Sales Analyst
Tioga Energy
123 Mission Street, 9th Fl.
San Francisco, CA 94105

Re: 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 10-266 BJ's Club #58 – Leominster, MA

Dear Mr. Richardson:

On January 07, 2013, the Commission received a letter from Tioga Energy requesting that the Commission permit certain RECs generated from the photovoltaic facilities at BJ's Club #55, Attleboro (BJ's #55) and BJ's Club #58, Leominster (BJ's #58) to be banked and made available for future trading periods. You have 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 Quarter Two (Q2) (April 1 through June 30, 2012) trading period. As a result, these RECs were not banked into the GIS system prior to the end of the Q2 trading period, causing the RECs to be retired towards the Residual Mix.

As a result of this error, production from BJ's #55 and BJ's #58 facilities during Q2 is 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 other similar situations, has advised managers to contact the appropriate state regulatory agency and request that the agency recognize the production as "RPS compliant" during the annual filing process. The Commission therefore, has the discretion to issue a secretarial letter approving the

reinstatement of the RECs into BJ's #55 and BJ's #58 banked accounts so that they can be transferred again during the 2012 trading period.

Pursuant to RSA 362-F:6, the RPS program utilizes the GIS administered by ISO-New England and NEPOOL. Facility certification to produce New Hampshire RECs is assigned to the Commission pursuant to 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 both the BJ's #55 and BJ's #58 facilities as eligible to produce Class II RECs on December 23, 2010. The RECs in question are summarized in the following table:

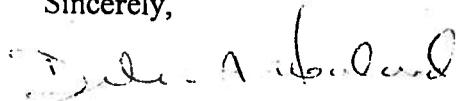
| Quarter | Month of Generation | NH Certification # | Unit ID | Unit Name | Fuel Type | Certificate Numbers | Quantity | NH Class |
|---------|---------------------|--------------------|----------|-----------|-----------|---------------------|----------|----------|
| 2 | 2012/Apr | NH-II-11-006 | NON32983 | 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 |

The Commission has determined that it is consistent with its statutory authority and GIS rules to recognize the Q2 production of the BJ's #55 and BJ's #58 photovoltaic facilities as eligible for Class II RECs, subject to the following conditions:

1. A notarized statement on company letterhead shall be made/signed by whomever is now 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. Such statement must be accompanied by documentation that said individual has been duly authorized by Tioga Energy to serve as its Authorized Representative.
2. The 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 2012 RPS Class II annual compliance filing.

This decision regarding the aforementioned Q2 certificates shall not be regarded as establishing a precedent, and the Commission may deny any similar Tioga Energy 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 written in a cursive style with a large initial "D".

Debra A. Howland
Executive Director

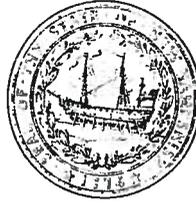
cc: James Webb, Registry Administrator, APX Environmental Markets

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January 29, 2013

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

Re: 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 10-267 BJ's Club #58 – Leominster, MA

Dear Mr. Webb:

On January 07, 2013, the Commission received a letter from Erik Richardson, Tioga Energy, Inc., (Tioga Energy) requesting that the Commission permit certain RECs generated from photovoltaic facilities located at BJ's Club #55 – Attleboro, MA (BJ's #55), and BJ's Club #58 – Leominster, MA (BJ's #58) to be banked and made available for future trading periods. 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 Quarter Two (Q2) (April 1 through June 30, 2012) trading period. Therefore, these RECs were not banked into the GIS system prior to the end of the Q2 trading period causing the RECs to be retired towards the Residual Mix.

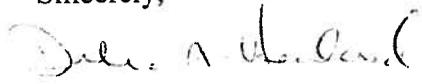
If generators fail to enter the required data before the deadline, the GIS locks out the generator from entering data relating to the relevant quarter and there is no mechanism for the RPS eligibility to be added back. To resolve this discrepancy, the Commission has issued a secretarial letter stating that even though the NEPOOL GIS does not display BJ's #55 and BJ's #58 Q2 RECs as NH RPS eligible, the NH PUC approves the reinstatement of these RECs back into their respective banked accounts so that they can be transferred again during the 2012 trading period.

The unsettled RECs in question are summarized in the following table:

| 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 |
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| 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 |

The Commission has reviewed Tioga Energy's request, supporting documentation and the GIS Operating Rules and determined that the above referenced Q2, 2012 RECs 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: Erik Richardson, Technical Sales Analyst, Tioga Energy

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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susan.chamberlin@oca.nh.gov
suzanne.amidon@puc.nh.gov
tom.frantz@puc.nh.gov

Docket #: 10-267-1 Printed: January 30, 2013

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
EXEC 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.