

# STATE OF NEW HAMPSHIRE

## Intra-Department Communication

**DATE:** April 14, 2011  
**AT (OFFICE):** NHPUC

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

**SUBJECT:** Staff Recommendation Re: DE 11-044, Pine Valley Mill Certification  
Application for Class IV Eligibility of its Small Hydroelectric Facility  
Pursuant to RSA 362-F  
Staff Recommendation

**TO:** Chairman Thomas B. Getz  
Commissioner Clifton C. Below  
Commissioner Amy L. Ignatius  
Debra A. Howland, Executive Director

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

### *Summary*

On March 11, 2011, 282 Route 101 LLC and 37 Wilton Road Milford LLC d/b/a Pine Valley Mill (Pine Valley Mill) submitted an application requesting that the Commission grant approval of its small hydroelectric facility located in Milford, New Hampshire (Pine Valley Mill facility) to produce Class IV renewable energy certificates (RECs) pursuant to RSA 362-F, New Hampshire's Renewable Portfolio Standard law. Class IV eligibility requires that an existing hydroelectric facility: 1) began operation prior to January 1, 2006; 2) has a gross nameplate capacity of 5 megawatts or less; 3) has installed both upstream and downstream diadromous fish passages, and 4) when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act.

Pursuant to RSA 362-F, the Commission, in a non-adjudicative process, must issue a determination of whether a facility meets a particular classification within 45 days of receipt of a completed application. The Pine Valley Mill application was completed on March 11, 2011. The Pine Valley Mill facility does not meet the eligibility requirements under RSA 362-F:4, IV as a Class IV facility because it does not have both upstream and downstream diadromous fish passages. Based on its review of the Pine Valley Mill application, Staff recommends that the Commission deny its request that the Pine Valley Mill facility be eligible to produce Class IV renewable energy certificates.

### ***Analysis***

The Pine Valley Mill facility is a run-of-river hydroelectric facility located on the Souhegan River in Wilton and Milford, New Hampshire. The dam and related structures are located in Wilton while the hydropower generating equipment is located at the Pine Valley Business Center building in Milford. The dam structure and power generating equipment was originally constructed in 1912 and, then, renovated in 1986 as part of the FERC permitting process. The facility has a gross nameplate capacity of 500 kilowatts. The facility's New England Power Pool Generation Information System facility code is MSS 891.

Pursuant to RSA 362-F: 4, IV, the hydroelectric facility is required to have upstream and downstream diadromous fish passages. In accordance with the facility's FERC license, issued on October 16, 1987, the licensee was only required to install a downstream fish passage at the Pine Valley Mill facility. Staff has confirmed that the applicant has not installed an upstream diadromous fish passage as it was not required by FERC. Therefore, the facility fails to meet the upstream diadromous fish passage requirement under RSA 362-F.

### ***Recommendation***

Staff recommends that the Commission deny Pine Valley Mill's request that its facility be certified as a Class IV renewable energy source. Given that the facility does not have both upstream and downstream diadromous fish passages, it does not meet the requirements set forth in RSA 362-F:4, IV and, as a result, is not eligible to produce New Hampshire Class IV RECs.