

STATE OF NEW HAMPSHIRE**Inter-Department Communication****DATE:** September 6, 2016**AT (OFFICE):** NHPUC**FROM:** Elizabeth R. Nixon, Energy Analyst**SUBJECT:** DM 13-075, Gulf Oil Limited Partnership- 2015 RPS Compliance Waiver of Puc 2503.03(d)**TO:** Martin P. Honigberg, Chairman
Robert R. Scott, Commissioner
Kathryn M. Bailey, Commissioner
Debra A. Howland, Executive Director**CC:** Karen Cramton, Director, Sustainable Energy Division
David K. Wiesner, Staff Attorney

On July 1, 2016, Gulf Oil Limited Partnership (Gulf Oil) filed its Renewable Portfolio Standard (RPS) compliance report for 2015. In this report, Gulf Oil showed that it had retired 500 Class I (vintage 2015) Renewable Energy Certificates (RECs) in the retail subaccount for compliance with the Class I RPS obligation. In addition, Gulf Oil claimed that it had 22 Class I (vintage 2015) RECs and 29 Class II (vintage 2015) RECs that had been retired in a reserve account instead of the retail subaccount. Gulf Oil claimed that it could not retire these RECs at the end of the year because it had a negative load obligation as a result of its cessation of operations. The RECs retired in the retail subaccount are shown in the GIS "My Settled Certificates Disposition" report, but the RECs retired in the reserve account are not shown in this GIS report.

In a letter attached to its e-mail dated July 1, 2016, Gulf Oil requested a waiver of Puc 2503.03(d) to allow the 22 Class I (vintage 2015) RECs and 29 Class II (vintage 2015) RECs retired in the reserve account to be used for RPS compliance in New Hampshire in 2015, even though these RECs are not shown as retired in the GIS "My Settled Certificate Disposition" report because they were not retired in the retail subaccount.

Puc 2503.03(d) specifies the GIS report required to be submitted as proof of retirement of any RECs claimed for RPS compliance:

(d) A provider of electricity shall separately file its report titled "My Settled Certificates Disposition," issued by GIS to the provider containing the final number of certificates settled for the prior year no later than July 31 of each year.

In its compliance report filed on July 1, 2016, Gulf Oil indicated the quantity of RECs acquired and to be used for RPS compliance in 2015; however, some of the RECs were

not retired in the retail subaccount and therefore were not shown in the GIS "My Settled Certificates Disposition" report. Staff confirmed with the GIS administrator that Gulf Oil's 22 Class I (vintage 2015) RECs and 29 Class II (vintage 2015) RECs that were retired in the reserve account have not been used in another state or other jurisdiction.

Pursuant to Puc 201.05(a) and (b), the Commission shall waive its rules if it finds the following:

*(a)(1) The waiver serves the public interest; and
(2) The waiver will not disrupt the orderly and efficient resolution of matters before the commission.*

*(b) In determining the public interest, the commission shall waive a rule if:
(1) Compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or
(2) The purpose of the rule would be satisfied by an alternative method proposed.*

Staff recommends that the Commission grant a one-time waiver of Puc 2503.03(d) so that Gulf Oil may use 22 Class I (vintage 2015) RECs and 29 Class II (vintage 2015) RECs for compliance in 2015, because Gulf Oil has satisfied the "purpose of the rule...by an alternative method." Gulf Oil retired the RECs in the GIS reserve account and has not used them in another state or jurisdiction, so its use of these RECs for 2015 RPS compliance is appropriate and serves the purpose of the RPS program.

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DM 13-075

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