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STATE OF NEW HAMPSHIRE



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

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

Tel. (603) 271-2431

FAX No. 271-3878

Website:
www.puc.nh.gov

January 16, 2018

NH PUC 16 JAN 18 PM 3:14

Scott F. Eaton, Director
Administrative Rules Division
Office of Legislative Services
State House Annex, Room 219
25 Capitol Street
Concord, NH 03301

**Re: Rulemaking Notice No. 2017-131 – Amended Conditional Approval Request
Puc 2500 – Electric Renewable Portfolio Standard Rules
N.H. Public Utilities Commission Docket No. DRM 16-829**

Dear Attorney Eaton:

Enclosed please find an Amended Conditional Approval Request, annotated to indicate the Public Utilities Commission's proposed revisions to the Final Proposal filed with the Joint Committee on Administrative Rules (JLCAR) on December 6, 2017. The proposed revisions address editorial and substantive comments made by JLCAR counsel, and certain further language revisions intended to increase the clarity of the rules text.

In addition, the proposed rules revisions confirm that eligible biodiesel producers may obtain renewable energy certificates (RECs) for biodiesel produced on and after January 1, 2018, consistent with the intent of the statutory directive in RSA 362-F:13, VI-b that the rules be amended to "[e]stablish procedures for the metering, verification, and reporting of useful thermal energy output for producers of biodiesel no later than December 31, 2017."

With respect to the issue raised by Liberty Utilities at the December 21 JLCAR meeting regarding the inclusion of methane gas as an eligible source of Class I thermal RECs, we propose and we understand Liberty agrees to recommend that the JLCAR:

1. Conditionally approve the Final Proposal with the amendments indicated in the Amended Conditional Approval Request;
2. Include in the approval motion a petition under RSA 541-A:4 for the Commission to initiate a further rulemaking proceeding to address the relevant thermal REC eligibility issues, with a specified target completion date (the Commission proposes that such date be the earlier of either (i) August 31, 2018, or (ii) 90 days following enactment of clarifying legislation); and

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3. Include in the approval motion a recommendation for further legislation intended to clarify the eligibility of methane gas as a potential source of Class I thermal RECs.

The Commission therefore respectfully requests that the JLCAR conditionally approve the Final Proposal, with the amendments indicated in the Amended Conditional Approval Request, at its next regular meeting on January 19, 2018.

Thank you in advance for your assistance with this matter.

Sincerely,



Martin P. Honigberg
Chairman

Enclosure
cc: Service List

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Executive.Director@puc.nh.gov	
aberrios@amerexenergy.com	caleb.berger@capitalenergy.net
acallendrello@baycorpholdings.com	callnanb@nhec.com
achase@seadventure.com	carlo-pvt@northeastgeo.com
Alane@KnollwoodEnergy.com	carroll@unitil.com
aletendre@mcsbnh.com	cbeebe@beamgrp.com
allen.desbiens@eversource.com	cduby@sesenergy.org
amy.klaviter@constellation.com	cgw@rathlaw.com
andrewhatch@hotmail.com	chris.hendrix@texasretailenergy.com
aquiart@axsessgroup.com	chris@blue2greenllc.com
barbara.bernstein@puc.nh.gov	claytongrc@yahoo.com
bart.fromuth@haecpower.com	clindsey@antaresgroupinc.com
bfrost@nhhf.org	cmiller@rockingham.com
bkeith@competitive-energy.com	corey@bidurenergy.com
blange@solarcity.com	costellot@santaenergy.com
bobrien@rsgenergy.com	critchfield.james@epa.gov
bpy@bestpracticeenergy.com	dan.feltes@leg.state.nh.us
Brad.Lewis@CreativEnergy.org	dan.heim@constellation.com
bramsey@velcro.com	dan@wesenergyandenvironment.com
brian.mcdermott@traditionenergy.com	daniel.allegretti@exeloncorp.com
brian@umginc.com	daniel.eida@karbone.com
bruce@whitemtbiodiesel.com	daniel.white2@dc.gov
bryan.erb@pinnacleenergyservices.com	daugustine@nhha.org
bweego@spragueenergy.com	david.goyette@puc.nh.gov
bwhite@noblesolutions.com	david.lamothe@gza.com

Docket #: 16-829-1 Printed: January 16, 2018

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EXECUTIVE DIRECTOR
NHPUC
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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.
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david.wiesner@puc.nh.gov	energytecheast@hotmail.com
dbowersox@globalp.com	ewitter@consumerenergysolutions.com
dbrown@nusconsulting.com	fairbanksa@conedsolutions.com
ddenny-brown@mintenergy.net	franco@cai-info.com
ddowler100@gmail.com	frontdesk@abworth.com
deandra.perruccio@puc.nh.gov	fwarner@msiutilities.com
debra.hale@libertyutilities.com	gabelcj@cdmsmith.com
dennis.pednault@gmail.com	gary.a.jeffries@dom.com
dgriffin@fidelityenergygroup.com	gary_sunshine@esource.com
dhenry@hotzero.biz	gbass@noblesolutions.com
dhowland@warwickmills.com	geo@usasolarstore.com
directorpowersupply@vppsa.com	george.horrocks@harmonyenergyworks.com
dkyle@yeatonassociates.com	gjoyce@ssesinc.com
dmbiii@otchoice.com	gwferenz@gmail.com
dmoon@ebcne.org	gwjtstengr@aol.com
dns@dcmllogic.com	hcs@dcmllogic.com
dnute@resilientbuildingsgroup.com	hjager@wilsonengineeringservices.com
donald.kreis@oca.nh.gov	hkv@solarwave.com
dossoff@suncook.com	hoferk@conedsolutions.com
doug.pope@popeenergy.com	howard.plante@powernewengland.com
doug@cleanenergysolutions.biz	hr@americaapproved.com
dov@yourchoiceenergyllc.com	hveilleux@sheehan.com
dpatch@orr-reno.com	ian@raymondphoto.com
dpearsall@peoplespower.com	info@crosslinkenergy.com
drumlindowne@yahoo.com	info@napower.com
dwiers@satorienergy.com	info@worldenergy.com
dwilson@broadrock.com	jack@seacoastenergy.com
ecoelectricnh@gmail.com	jackerly@forgreenheat.org
edearman@sparkenergy.com	jacqueline.leblanc@puc.nh.gov
edgray@antaresgroupinc.com	james.brennan@oca.nh.gov
ehammerstedt@historicharrisville.org	javier@goodenergy.com
elizabeth.nixon@puc.nh.gov	jbillingsley@purepathenergy.com

jbert@powermgt.com	kdegroat@antaresgroupinc.com
jchorlian@yahoo.com	keith.mcbrien@gdsassociates.com
jcressy@sullivancountynh.gov	Kerri.conway@siemens.com
jean@goodenergy.com	kevindeannow@gmail.com
jeb.bradley@leg.state.nh.us	khensey@slinc.com
jeff@jambcoconstruction.com	kingsley@inrslc.com
jeffrey.cyr@dos.nh.gov	kirsty.norvell@unifiedenergy.com
jenny.heeter@nrel.gov	kjoseph@napower.com
jfontaine@des.state.nh.us	knemcovich@surpasscalls.com
jhawkins@titanenergyne.com	kroll@gcgclaw.com
jlesser@energyrebate.com	krowen@varol.com
jmcdermott@seadvantage.com	ktomaine@taylorcc.com
jmm2020@granitestatebiofuels.com	laurent@capitololarenergy.com
jodi@jgstrategies.com	Lawrence.smith@insightenergyservices.com
john.ballam@state.ma.us	levesque@inrslc.com
john.warshaw@libertyutilities.com	lindsay.blume@ems.schneider-electric.com
johnorr@optonline.net	lmccreery@fs.fed.us
johnsonjohn@conedsolutions.com	lrichardson@jordaninstitute.org
jon.ervin@healthtrustpg.com	madams@northernforest.org
jon.moore@5-five.com	manwells@conedsolutions.com
jreed@warwickmills.com	mapellip@conedsolutions.com
jrodier@mbtu-co2.com	marianne.vetter@felpower.com
jstock@nhtoa.org	mark.sassi@bridgeenergy.net
julie@gulfstreamenergy.net	mark@frolingenergy.com
kabernethy@ameresco.com	mark@hospitalenergy.com
karen.cramton@puc.nh.gov	marty@esaverenabler.com
karen.rantamaki@nh.gov	matthew.fossum@eversource.com
kate@nhsea.org	matthew.wolfe@maderaenergy.com
katherine.peters@eversource.com	mcneils@nhec.com
katherine.roberge@psnh.com	mdavey@eeiservices.com
kbhuva@criusenergy.com	mdavis@groundenergysupport.com
kcobb@questenergysolutions.com	mdean@mdeanlaw.net

mfallquist@viridian.com
mgowda@antaresgroupinc.com
michael.fitzgerald@des.nh.gov
michael.sheehan@libertyutilities.com
mick@shiftnrg.com
mike@rev-en.com
mike@turncyclesolutions.com
mleclerc@providerpower.com
mleibman@hplco.com
mlynch@re-gen.com
mmorin@stanleyenergy.com
mpassini@fortistar.com
mpf@stateside.com
mpower@trane.com
mschmidt@sesenergy.org
msmurzynski@aum-inc.com
mstumpo@legacyenergy.com
mtrinka@criusenergy.com
mtrombly@americannewenergy.com
mulin@revisionenergy.com
nathansonk@conedsolutions.com
neerada.poduval@gfigroup.com
negeol@hotmail.com
ngoc.tran@atlascommodities.com
niebling@inrslc.com
ocalitigation@oca.nh.gov
patax95@palmharboraccounting.com
paul.button42@gmail.com
pcaplan@ensynde.com
peter@firstpointpower.com
peter@wesenergyandenvironment.com
phendel@holderness.org

pjaesd@comcast.net
planetgreen.brian@gmail.com
ppabor@wm.com
pradip.chattopadhyay@oca.nh.gov
prussell@haleyaldrich.com
pyuen@seadvantage.com
qvale@aqvlaw.com
rabraham@ces-ltd.com
rachel.ladwig@tdstelecom.com
RathvonR@conedsolutions.com
royalbrechtpe@gmail.com
rburke@nhla.org
rcooney.renewables@gmail.com
reintrone@aol.com
richard.labrecque@eversource.com
rick@advantageenergy.net
rmiller@townsquareenergy.com
rmunnely@davismalm.com
roanolson@gmail.com
rplutzer@resglobal.com
rsbackes@integrysenergy.com
rsilkman@competitive-energy.com
ryan.harwell@directenergy.com
sarah.knowlton@libertyutilities.com
sbarnes@sjindustries.com
scondon@revisionenergy.com
sconnolly@dupontgroup.com
sdesai@licenselegix.com
sduprey@foxfirenh.com
senergynhbob@gmail.com
service@lpbenergy.com
sgeiger@orr-reno.com

skaufman@cleanassetpartners.com	val@cleangroup.org
skueffner@xoomenergy.com	withka@usourceonline.com
solarfarmbank@gmail.com	woodsca@nhec.com
solutions@energynewengland.com	xoom_regulatory@xoomenergy.com
stacy.miller@state.mn.us	
Stephen.Eckberg@puc.nh.gov	
Stephen.Hall@libertyutilities.com	
steve@sresre.com	
stower@nhla.org	
stuart_ormsbee@transcanada.com	
stuleja@alternatepower.com	
supham@energyprofessionals.com	
susanwolsen@gmail.com	
tad@whitecolumnssolutions.com	
tbellotti@myenergytrust.com	
tbohan@spragueenergy.com	
thenkell@nc.rr.com	
tim@inchargeenergy.com	
tim@wellspringgeo.com	
tina@h2dc.com	
tj@marthwood.com	
tjacobsen@bluedeltaenergy.com	
Todd.hasselbeck@purposeenergy.com	
tollinger@globalpowerconsultants.com	
tom@naturalcapital-llc.com	
tony@amenico.com	
trevor@abestpower.com	
tswanick@gmail.com	
tucker@rjtenergy.com	
twilson@wilsonengineeringservices.com	
tyler@dennekybouley.com	
ush2o.mail@gmail.com	