

**BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

EDF ENERGY SERVICES, LLC – :
RENEWAL REGISTRATION AS A : DOCKET NO. DM 18-075
COMPETITIVE ELECTRIC POWER :
SUPPLIER :

**EDF ENERGY SERVICES, LLC
TRANSCANADA POWER MARKETING LTD.’S
MOTION FOR TRANSFER OF BANKED RECS**

Pursuant to Puc 201.05, EDF Energy Services, LLC (“EDF”) and TransCanada Power Marketing Ltd. (“TransCanada”) respectfully request that the New Hampshire Public Utilities Commission (the “Commission”) grant a waiver of Puc 2503.05 and any other applicable rules to the extent necessary to permit TransCanada to transfer certain banked Class I renewable energy certificates (“RECs”) to EDF.

BACKGROUND

EDF is a registered competitive electric power supplier (“CEPS”).¹ TransCanada was a registered CEPS.² In 2018, TransCanada transferred certain assets related to its retail power marketing business to EDF.³ At that time, all existing customers were provided notice of their options of assigning their retail contract to EDF at the same price and terms or remaining with TransCanada until their current contract term completed.⁴ As of the date each of TransCanada’s

¹ See, generally, DM 18-075, *EDF Energy Services, LLC, Renewal Registration as a Competitive Electric Power Supplier*.

² See, generally, DM 16-705, *TransCanada Power Marketing, Ltd., Renewal Registration as a Competitive Electric Power Supplier*; see DM 16-705, *TransCanada Power Marketing, Ltd., Renewal Registration as a Competitive Electric Power Supplier*, Secretary Letter (May 1, 2019) (deeming TransCanada’s registration withdrawn and terminated).

³ See DM 16-705, *TransCanada Power Marketing, Ltd., Renewal Registration as a Competitive Electric Power Supplier*, TransCanada Request to Withdraw (Apr. 18, 2019).

⁴ See *id.*

former customers transitioned to EDF, EDF became responsible for the load of those customers (which load, for 2018, totaled 234,972 megawatt hours (“MWh”)).

On December 10, 2018, the final remaining TransCanada customer contract term was completed.⁵ On April 18, 2019, TransCanada sought to withdraw its CEPS registration.⁶ On May 1, 2019, the Commission deemed TransCanada’s registration withdrawn and terminated.⁷

In its 2017 renewable portfolio standard (“RPS”) compliance report, TransCanada indicated that it was banking 12,627 Class I Non-Thermal RECs (vintage 2016).⁸ However, as a result of the transfer of its customer contracts and load obligations, TransCanada will have more Class I Non-Thermal RECs than are necessary to satisfy its New Hampshire 2018 RPS obligations and is willing to give those excess RECs to EDF. EDF and TransCanada now hereby request that the Commission permit TransCanada to transfer its excess banked Class I Non-Thermal RECs to EDF.

LEGAL STANDARD

Pursuant to Puc 201.05, except when precluded by statute, upon request by an interested party, the Commission shall waive the provisions of any of its rules if the Commission finds the waiver serves the public interest will not disrupt the orderly and efficient resolution of matters before the Commission.⁹ In determining if a waiver serves the public interest, the Commission

⁵ See DM 16-705, *TransCanada Power Marketing, Ltd., Renewal Registration as a Competitive Electric Power Supplier*, TransCanada Request to Withdraw (Apr. 18, 2019).

⁶ See DM 16-705, *TransCanada Power Marketing, Ltd., Renewal Registration as a Competitive Electric Power Supplier*, Secretary Letter (May 1, 2019).

⁷ *Id.*

⁸ See TransCanada Annual RPS Compliance Filing for 2017 Revised 8/02/2018 (Aug. 2, 2018).

⁹ Puc 201.05(a).

shall waive a rule if compliance with the rule would be onerous or inapplicable given the circumstances or the purpose of the rule would be satisfied by an alternative method proposed.¹⁰

ARGUMENT

For 2018, each provider of electricity must obtain and retire Class I Non-Thermal RECs equal to or greater than seven and one-half (7.50%) of its total MWhs of electricity supplied to end-use customers.¹¹ A provider of electricity may bank unused certificates and thereafter use them to comply with the RPS for the two (2) following years, subject to certain conditions.¹² Further, a provider of electricity may meet up to thirty percent (30%) of its RPS obligations for any individual class in any given year with banked RECs.¹³

For 2018, TransCanada supplied 53,132 megawatt-hours of electricity in New Hampshire. As a result, its 2018 Class I Non-Thermal REC obligation is 3,985 RECs.¹⁴ TransCanada intends to meet thirty percent (30%) of its 2018 Class I Non-Thermal REC obligation by using 1,195 banked Class I Non-Thermal RECs.¹⁵ However, because it currently has banked 12,627 Class I Non-Thermal RECs, it will have 11,432 Class I Non-Thermal banked RECs remaining.

Since TransCanada is no longer a registered CEPS and is no longer serving load in New Hampshire, it will not be able to use these banked Class I Non-Thermal RECs in the future and is

¹⁰ Puc 201.05(b).

¹¹ Puc 2503.01(b), Table 2500.01.

¹² See Puc 2503.05(b).

¹³ See Puc 2503.05(d) (“No provider of electricity shall meet more than 30 percent of its portfolio standards for any individual class in any given year with certificates acquired pursuant to paragraph (b).”); see also N.H. Rev. Stat. Ann. §362-F:7 (“Certificates shall only be used by providers of electricity for compliance with the requirements of RSA 362-F:3 in the year in which the generation represented by the certificate was produced, except that unused certificates of the proper class issued for production during the prior 2 years may be used to meet up to 30 percent of a provider’s requirements for a given class obligation in the current year of compliance.”).

¹⁴ 53,132 MWhs * 7.5% = 3,985 RECs.

¹⁵ 3,985 RECs * 30% = 1,195 RECs.

willing to give those excess RECs to EDF. However, because the applicable REC trading period for these banked RECs has closed,¹⁶ TransCanada cannot transfer those RECs to EDF through the New England Power Pool Generation Information System (“NEPOOL GIS”). Accordingly, since EDF became responsible for the load of TransCanada’s former customers and TransCanada’s banked RECs were purchased originally to satisfy the RPS obligations associated with that load, EDF and TransCanada request that the Commission permit TransCanada to transfer 11,432 Class I Non-Thermal banked RECs to EDF.

Granting a waiver of Puc 2503.05 to allow the requested transfer serves the public interest because the purpose of the rule would be satisfied.¹⁷ Specifically, RECs that TransCanada acquired to satisfy the RPS obligations associated with its load would be used to satisfy the RPS obligations associated with the load that was transferred to EDF. In addition, since EDF and TransCanada are requesting this waiver in advance of the July 1 deadline for annual RPS compliance reports,¹⁸ the requested waiver will not disrupt the orderly and efficient resolution of matters before the Commission.

Because EDF’s plans for complying with its 2018 RPS obligations depend, in part, on the resolution of this motion, EDF respectfully requests that the Commission rule on this motion sufficiently in advance of the end of the Quarter 4 2018 REC trading period on June 15, 2019 (*i.e., by June 10, 2019*) to allow EDF the opportunity to purchase any needed RECs for 2018 RPS compliance within the trading period.

¹⁶ See Important NEPOOL GIS Dates (available at: <https://www.nepoolgis.com/>) (last visited May 23, 2019).

¹⁷ See, e.g., DM 15-373, *Direct Energy Business, LLC, Registration as a Competitive Electric Power Supplier*, and DM 13-260, *Hess Energy Marketing, Registration as a Competitive Electric Power Supplier*, Commission correspondence (Aug. 21, 2018), at 2 (approving a proposed waiver of Puc 2503.03(d) to permit reallocation of a specified number of Class I RECs from Direct Energy Business, LLC to Direct Energy Business Marketing, LLC f/k/a Hess Energy Marketing, LLC for use to meet Direct Energy Business Marketing, LLC’s 2017 RPS compliance obligation).

¹⁸ See Puc 2503.03(a) (setting a July 1 deadline for annual RPS compliance reports).

CONCLUSION

For all of the foregoing reasons, EDF and TransCanada request that the Commission permit TransCanada to transfer 11,432 banked Class I Non-Thermal RECs to EDF.

Dated: May 27, 2019

Respectfully Submitted,
EDF ENERGY SERVICES, LLC

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has, on this 27th day of May, 2019, been sent by email to the service list in DM 18-075.

A handwritten signature in black ink that reads "Joey Lee Miranda". The signature is written in a cursive style with a horizontal line underneath it.

Joey Lee Miranda