

STATE OF NEW HAMPSHIRE

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October 14, 2020

Douglas York, Plant Manager  
DG Whitefield LLC  
260 Airport Road  
Whitefield, NH 03598

Re: REC 20-148 and RREC 17-90015, DG Whitefield LLC  
Request for Waiver of Puc 2505.04(h)(1)  
Grant of Rule Waiver

Dear Mr. York:

On September 17, 2020, DG Whitefield LLC (DG Whitefield) filed a letter with the Commission requesting a waiver of N.H. Admin. R., Puc 2505.04(h)(1). Puc 2505.04(h)(1) requires biomass electric generation facilities to conduct a relative accuracy test audit (RATA) of their continuous emission monitors to verify compliance with nitrogen oxides (NOx) emissions standards "at least once every 4 calendar quarters, and prior to the quarter for which the facility first wishes to produce RECs [renewable energy certificates]."

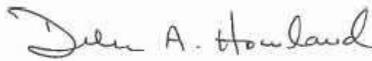
In a previous letter filed on July 17, 2019 in Docket No. DE 19-122, DG Whitefield stated that its last RATA was conducted in the second quarter of 2018. As explained in its letter dated September 17, 2020, early in the second quarter of 2019, the quarter in which its next RATA was due, DG Whitefield unexpectedly discontinued operations for financial reasons and therefore could not complete the RATA. DG Whitefield stated that its facility has not returned to service, and that a sale of the facility is being explored. DG Whitefield requested a waiver of Puc 2505.04(h)(1), so that the facility would remain eligible to produce RECs without reference to a particular date on which operations resume, and in a manner which would be transferrable to a new facility owner.

Commission Staff (Staff) filed a memorandum on October 6, 2020, recommending that the Commission grant a one-time waiver of Puc 2505.04(h)(1), contingent upon DG Whitefield completing a RATA that is accepted by the New Hampshire Department of Environmental Services (NHDES) within 60 days following the date that facility operations resume. Staff

maintained that Puc 2505.04(h)(1) was not intended to render a facility ineligible to produce RECs when the delay in conducting a RATA is due to its operational status and not neglect, as long as the facility successfully completes a RATA following resumption of operations and meets all other REC eligibility criteria. Staff recommended a 60-day period following resumption of facility operations for completion of a RATA based on a recommendation by the NHDES.

The Commission has reviewed DG Whitefield's request and, based on Staff's recommendation, determined that the standards for a rule waiver contained in Puc 201.05 have been satisfied. Accordingly, DG Whitefield's request to waive the requirements of Puc 2505.04(h)(1) is granted on a one-time basis, subject to the following condition: DG Whitefield or a future facility owner must complete a RATA that is accepted by the NHDES within 60 days following the date that the facility resumes operations. The facility will be eligible to produce RECs for all generation beginning on the date that its operations resume, provided it complies with the foregoing condition and it continues to meet all other criteria for REC eligibility.

Sincerely,



Debra A. Howland  
Executive Director

cc: Service List (Electronically)  
Docket File

# Service List - Docket Related

Docket#: 20-148

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