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PUBLIC UTILITIES COMMISSION

21 S. Fruit St., Suite 10
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October 22, 2020

Charles Theall, Plant Manager
Springfield Power, LLC
54 Fisher Corner Road
Springfield, NH 03284

Re: REC 20-149, Springfield Power LLC
Request for Waiver of Puc 2505.04(h)(1)
Grant of Rule Waiver

Dear Mr. Theall:

On September 17, 2020, Springfield Power, LLC (Springfield Power) 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 19, 2019 in Docket No. DE 19-125, Springfield Power stated that its last RATA was conducted in the second quarter of 2018. The letter explained that early in the second quarter of 2019, the quarter in which its next RATA was due, Springfield Power discontinued operations for financial reasons and therefore could not complete the RATA. Springfield Power stated in its letter dated September 17, 2020, that its facility has not returned to service, and that a sale of the facility is being explored. Springfield Power 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 7, 2020, recommending that the Commission grant a one-time waiver of Puc 2505.04(h)(1), contingent upon Springfield Power 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 Springfield Power'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, Springfield Power's request to waive the requirements of Puc 2505.04(h)(1) is granted on a one-time basis, subject to the following condition: Springfield Power 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,

A handwritten signature in black ink that reads "Debra A. Howland". The signature is written in a cursive style with a large initial "D".

Debra A. Howland
Executive Director

cc: Service List (Electronically)
Docket File

Service List - Docket Related

Docket#: 20-149

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