

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

INVESTIGATION OF ENERGY :
COMMODITY PROCUREMENT :
(RENEWABLE PORTFOLIO STANDARD; : DOCKET NO. IR 22-053
DEFAULT SERVICE ELECTRIC POWER; :
COST OF GAS) METHODOLOGY AND :
PROCESS :

BRIDGEWATER POWER COMPANY’S PETITION FOR LATE-INTERVENTION

NOW COMES the Bridgewater Power Company (“the Company” or “Bridgewater”), by and through its attorneys, Donahue, Tucker, & Ciandella, PLLC, and, Pursuant to New Hampshire Revised Statutes Annotated 541-A:32 and Rule Puc 203.17, petitions the New Hampshire Public Utilities Commission (“Commission”) for late-intervention in the above-referenced matter. In support of this petition, the Company states as follows:

INTRODUCTION

1. Bridgewater is a limited partnership organized under the laws of New Hampshire that owns and operates a 15 MW Wood Fired Power Plant located in Bridgewater, New Hampshire (“the Bridgewater Plant”). As a biomass electric generation facility, the energy produced by the Bridgewater Plant is eligible for renewable energy credits (“RECs”).

2. On September 6, 2022, the Commission issued its Order of Notice, which opened “this investigatory proceeding to examine all pertinent aspects of RPS [Renewable Portfolio Standard], Default Service, and COG [Cost of Gas] procurements in New Hampshire, and related Commission processes.” See Order of Notice, Docket No. IR-22053 at *2 (September 6, 2022). Specifically, the Commission seeks to investigate the “timing and other approaches historically used by New Hampshire utilities for RPS, Default Service ... and data regarding outcomes correlated with different approaches.” Id. at 3. Accordingly, the Commission invited

petitions to intervene in this proceeding by September 20, 2022. Id. at 4.

3. Bridgewater was unaware of the order of notice, or the opportunity to intervene, until after the passage of the intervention deadline. However, as generator eligible to sell RECs, Bridgewater has a significant interest in this Docket and has participated extensively in prior dockets related to the State's Renewable Portfolio Standard. Therefore, good cause exists for the Commission to waive the intervention deadline, see N.H. Code of Admin. R. Puc 201.05, Bridgewater hereby petitions for late intervention in this proceeding.

STANDARD OF REVIEW

4. As the Commission's Rule Puc 203.17 states, the "Commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32." N.H. Code Admin. Rule Puc 203.17. RSA 541-A:32 provides for "mandatory intervention" if the petition "states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law." RSA 541-A:32,I,(b). The statute also allows "permissive intervention," when "the presiding officer determines that the interest of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention." RSA 541-A:32,II.

5. Thus, the Commission must grant a petition to intervene if: (a) the petition demonstrates that the petitioner may be substantially affected by a proceeding; and (b) the intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceeding. RSA 541-A:32,I,(b)&(c).

6. Alternatively, the Commission has discretion to grant a permissive intervention

“at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.” RSA 541-A:32,II.

INTERVENTION IS WARRANTED

7. As the Commission explained, “[t]his investigation will review questions related to: the processes related to RPS, Default Service including impacts of CPAs [Community Power Aggregations], and COG procurements by utilities; the ratemaking and calculation methodologies used for same; and the processes used by the Commission and participating parties for developing data and recommendations. That investigation is anticipate to include, inter alia:

- (1) The timing and other approaches historically used by New Hampshire utilities for RPS, Default Service, and COG procurements, and data regarding outcomes correlated with different approaches;
- (2) Potential enhancements to Commission review proceedings for RPS, Default Service, and COG matters, including timing of RPS, Default Service, and COG filings and proposed rate effective dates.

See Order of Notice, Docket No. IR-22053 at *3.

8. Bridgewater is an active participant in the REC market in New Hampshire and in other states and supplies power to a number of load-serving entities in accordance with New Hampshire Renewable Portfolio Standard set forth in RSA chapter 362-F. As an active participant in the energy and REC markets in New Hampshire, Bridgewater’s “rights, duties, privileges, immunities and other substantial interests” may be directly affected by this docket.

9. More specifically, this docket seeks to examine “all pertinent aspects of RPS, Default Service, and COG procurements in New Hampshire,” which includes issues related to the REC supply and the Department of Energy’s modification of the RPS requirements related to the purchase of RECS pursuant to RSA 362-F:4, VI. Bridgewater has submitted comments and

participated in prior dockets of the Commission related to the modification of the RPS pursuant to RSA 362-F:4, VI, including Docket 19-203 Docket DE 21-037, and later the Department of Energy's 2022 Adjustment to Renewable Portfolio Standards Class III Requirements.

10. Indeed, Bridgewater has, on several prior instances, asked the Commission and, later, the Department to examine the structure of the Class III REC market in light of perceived trends impacting the operations of biomass generators. For example, in Bridgewater's last submittal to the Department of Energy on March 10, 2022, Bridgewater stated as follows:

. . . [Bridgewater] supports the Department considering reductions to the Class III REC purchase obligations early in the Compliance Year to allow for greater foreseeability and input as to potential production concerns earlier in the year. As has been reflected by the Department's consideration of the adjustment in Compliance Year 2021 and the Public Utilities Commission's adjustments in Compliance Years 2012, 2013, 2014, and 2020, circumstances that cause a scarcity in Class III RECs in New Hampshire have been foreseeable and have largely depended on the ACP in Connecticut. The impacts of these foreseeable circumstances can be modeled and considered earlier in the Compliance Year, such that market participants can make operational and/or purchase decisions earlier in the Compliance Year.

Foreseeability early in the Compliance Year is vital to generators because generators operate and produce power for several months prior to LSEs initiating the purchase of Class III RECs for the Compliance Year. However, as was clear during these proceedings, uncertainties in Class III REC purchase obligation and the potential for adjustment have caused certain LSEs to decline participating in the REC market. Adjusting the Class III REC purchase obligation in the first or second quarter of the calendar year will alleviate that uncertainty, allow market participants to account for known and anticipated market conditions, and allow for generators to provide input as to generation constraints and to make operational decisions based on greater market certainties. If unanticipated changes occur after the first or second quarter of the calendar year, the Department would still retain the ability to make a further adjustment to the Class III REC purchase requirement later in the year should it be necessary. Therefore [Bridgewater] strongly supports consideration of future adjustments to the Class III purchase obligation early in the first or second quarter of the calendar year.

See Supplemental Comments of the Bridgewater Power Company, [Adjustment to Renewable Portfolio Standard Class III Requirements](#) at ¶¶ 8-9 (submitted to Department of Energy, March 10, 2022). Because any adjustments to the purchasing obligations will have a direct and substantial effect on the competitive retail market as it relates to RECs generally and biomass power production specifically, any discussions concerning the issues raised in the Order of

Notice, and any resulting recommendations, implicate Bridgewater's interests.

11. In addition to meeting the standard for mandatory intervention, Bridgewater also meets the requirements for permissive intervention in that the requested intervention will not impair the interests of justice and the orderly and prompt conduct of the proceedings. *See* RSA 541-A:32,II.

12. Should this motion be granted, Bridgewater would seek the right to participate in this docket fully, including through discovery, briefs, motion practice, live testimony, and direct and cross-examination. Bridgewater understands that the deadline for intervention closed on September 30, 2022. Bridgewater first learned of this matter after the expiration of the September 30, 2022 deadline and immediately sought to intervene upon learning of this matter. The grant of intervention now will not prejudice any party, nor will it affect the efficiency of these proceedings. Therefore, Bridgewater respectfully requests that the Commission waive the intervention deadline pursuant to Puc 201.05 and accept this Motion for Late Intervention.

CONCLUSION

For all the foregoing reasons, Bridgewater moves the Commission to grant its petition to intervene in this proceeding and to award any further relief as may be just and proper.

Respectfully submitted,

BRIDGEWATER POWER COMPANY, L.P.
By and through its Attorneys,

DONAHUE, TUCKER & CIANDELLA, PLLC

Date: October 28, 2022

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Petition to Intervene has this day been sent via electronic mail or first-class mail to all persons on the service list.

October 28, 2022

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