

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** September 26, 2008

**AT (OFFICE):** NHPUC

**FROM:** Henry J. Bergeron   
Utility Analyst III

**SUBJECT:** DE 08-068, Cocheco Falls Associates, L.P.'s Application of the  
Cocheco Falls Hydroelectric Facility for Class IV Eligibility Pursuant  
to RSA 362-F  
Staff Recommendation

**TO:** Chairman Thomas B. Getz  
Commissioner Graham J. Morrison  
Commissioner Clifton C. Below  
Debra A. Howland, Executive Director and Secretary

**CC:** Thomas C. Frantz, Director of the Electric Division  
Steven E. Mullen, Assistant Director of the Electric Division  
Suzanne Amidon, Staff Attorney

### *Summary*

On May 13, 2008, Cocheco Falls Associates, L.P. (CFA) submitted an application requesting the Commission grant approval of its Cocheco Falls (Cocheco) hydroelectric facility to produce Class IV Renewable Energy Certificates (RECs) pursuant to RSA 362-F, New Hampshire's Renewable Portfolio Standard law. Pursuant to RSA 362-F:4, IV, Class IV eligibility requires that a facility: 1) began operation prior to January 1, 2006; 2) has a gross nameplate capacity of 5 MWs or less; 3) has installed upstream and downstream diadromous fish passages that have been required and approved under the terms of its Federal Energy Regulatory Commission (FERC) license or exemption; and 4) when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act.

Pursuant to RSA 362-F, the Commission, in a non-adjudicative process, must issue a determination of whether a facility meets a particular classification within 45 days of a completed application. The Cocheco hydroelectric facility application was completed on August 22, 2008. The facility meets the Class IV eligibility requirements under RSA 362-F:4, IV and CFA has complied with the N. H. Code Admin. Rule Puc 2500 and has provided all the necessary information. Based on its review of the application, Staff recommends that the Commission approve the Cocheco hydroelectric facility as eligible for Class IV RECs.

## ***Analysis***

The Cocheco facility is a single-unit hydroelectric generating station located on the Cocheco River at 100 Main St., Dover, New Hampshire and operates on a run-of-river basis. The facility has a gross nameplate capacity of .750 MWs and was issued a 40-year license in 1982 by the FERC. See *John W. Webster*, 21 FERC 62,401 (1982). This facility entered commercial operation in December, 1983. The facility's ISO-NE asset identification number is 886 and the NEPOOL GIS facility number is MSS886.

Pursuant to RSA 362-F:4, IV, the facility must have "installed upstream and downstream diadromous fish passages that have been required and approved under the terms of its [Federal Energy Regulatory Commission (FERC)] license or exemption". CFA stated that the "Cocheco Falls Hydro Project has both an upstream fish passage and down stream passage facility."

RSA 362-F:4 IV requires a hydroelectric facility, as a condition of eligibility, to have "applicable state water quality certification pursuant to section 401 of the Clean Water Act". Cocheco commenced operation before the New Hampshire Department of Environmental Services (NHDES) assumed responsibility for administering the Clean Water Act and thus the NHDES has no record of certification for Cocheco. It is unclear whether Cocheco was exempt from the certification requirements of the Clean Water Act by the New Hampshire Water Supply and Pollution Control Commission, which administered the Clean Water Act requirements when Cocheco commenced operations. However, because Cocheco meets the requirements of the FERC license, Staff concluded that Cocheco did not have to seek a permit from the NHDES and thus is an eligible Class IV facility. See attached email of August 22, 2008.

Pursuant to interim Puc 2505.02 (h), the applicant must submit "[P]roof that the applicant either has an approved interconnection study on file with the commission or is not required to undertake such a study". CFA submitted a copy of its "Operating Agreement for Purposes of Wheeling and Power Sales" between CFA and Public Service Company of New Hampshire dated December 30, 2003.

## ***Recommendation***

Staff has reviewed CFA's application for the Cocheco Falls hydroelectric facility and can affirm it is complete pursuant to interim N. H. Code Admin. Rule Puc 2500. Staff recommends that the Commission certify the Cocheco Falls hydroelectric facility as being eligible for Class IV RECs, effective August 22, 2008, the date the final information to complete the application was received from CFA.