

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: July 27, 2009

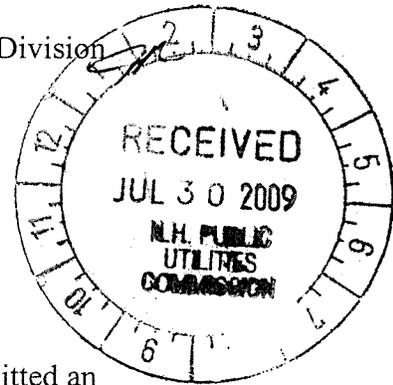
AT (OFFICE): NHPUC

FROM: Maureen L. Reno *MLR*
Utility Analyst III

SUBJECT: DE 09-121, WM Renewable Energy, L.L.C.'s Application for Class I Eligibility of its Madison County Landfill Facility Pursuant to RSA 362-F
Staff Recommendation

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

CC: Jack K. Ruderman, Director of the Sustainable Energy Division
Suzanne Amidon, Staff Attorney



Summary

On June 22, 2009, WM Renewable Energy, L.L.C. (WMRE) submitted an application requesting the Commission grant approval of its Madison County landfill methane gas facility (Madison County facility) to produce Class I renewable energy certificates (RECs) pursuant to RSA 362-F, New Hampshire's Electric Renewable Portfolio Standard law. Pursuant to RSA 362-F:4, I, Class I eligibility requires a facility to have begun the production of electricity after January 1, 2006 and to use certain sources to produce electricity, one of which is methane gas.

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 Madison County facility application was completed on June 22, 2009. The Madison County facility meets the Class I eligibility requirements under RSA 362-F:4, I. WMRE 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 Madison County facility as eligible for Class I RECs effective June 22, 2009.

Analysis

The Madison County facility is a landfill methane gas facility, has a gross nameplate capacity of 1.6 megawatts and began commercial operation on June 11, 2009. The facility is located at 6639 Buyea Road, Canastota, New York. The NEPOOL generation information system (GIS) facility code has not yet been obtained. WMRE will provide the NEPOOL GIS facility code to the Commission as soon as it is obtained from the GIS administrator.

Pursuant to Puc 2505.02 (b) (8), the applicant must submit proof that it has “an approved interconnection study on file with the commission, is a party to a currently effective interconnection agreement, or is otherwise not required to undertake an interconnection study.” WMRE submitted and Staff verified an interconnection agreement with Niagara Mohawk Power Corporation d/b/a National Grid effective September 8, 2008.

Pursuant to Puc 2505.02 (b) (11), the applicant shall include a statement as to whether the facility has been certified under another non-federal jurisdiction’s renewable portfolio standard and proof thereof. The Madison County facility has been certified in Maine as a Class I new renewable resource.

The Madison County facility is located in New York, which is a control area adjacent to the New England control area. Therefore, the facility geographically qualifies to import power into the New England control area pursuant to the NEPOOL GIS Operating Rules 2.7(c). Pursuant to Puc 2504.01(a)(2), a facility in an adjacent control area may be eligible to produce renewable energy certificates provided that the electricity is delivered into the New England control area and is verified by submitting to the Commission the following:

- a) Documentation of a unit-specific bilateral contract that is executed between the source owner, operator, or authorized agent and an electric energy purchaser located within the New England control area;
- b) Proof of associated transmission rights for delivery of the source's electricity to the New England control area;
- c) Documentation on a quarterly basis that the electricity delivered was settled in the ISO-New England wholesale market system;
- d) Documentation that the source produced the amount of megawatt-hours claimed per hour, as verified by the GIS administrator; and
- e) Confirmation that the electricity delivered received a North American Electric Reliability Corporation tag from the originating control area to the New England control area.

The applicant will initially be required to provide to the Commission documentation of a unit-specific contract, item (a), and resubmit such documentation when substantial changes are made. Additionally, the applicant will be required to provide to the

Commission on a quarterly basis items (b) through (e) to receive Class I RECs associated with electricity imported into the New England control area.

Recommendation

Staff has reviewed the Madison County facility application and can affirm it is complete pursuant to N. H. Code Admin. Rule Puc 2500. Staff recommends that the Commission certify the Madison County facility as being eligible for Class I RECs effective June 22, 2009, the date on which Staff was able to make a determination that the facility met the requirements for certification as a Class I renewable energy source.