

STATE OF NEW HAMPSHIRE

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October 5, 2023

Mr. Stephen Thomas
NE Renewable Power, LLC-Whitefield
260 Airport Road
Whitefield, NH 03598

Re: RPS 2023-001 – Notice of RPS Class III Non-Eligibility and Pending Suspension
of Facility REC Certification; Opportunity to Request Hearing

Dear Mr. Thomas:

The Department of Energy (DOE) hereby provides notice of suspension from eligibility and opportunity to request hearing regarding the NE Renewable Power-Whitefield facility, a biomass-fueled electric power generation plant located at 260 Airport Road, Whitefield, New Hampshire (the Facility). The Facility was certified by the New Hampshire Public Utilities Commission (PUC) as a Class III renewable energy source eligible to produce Class III RECs on March 13, 2017. As of July 1, 2021, the DOE became responsible for administering the New Hampshire Renewable Portfolio Standard (RPS), and related PUC rules and orders, under N.H. RSA 362-F, as amended by 2021 N.H. Laws Chapter 91 (House Bill 2-FN-A-Local).

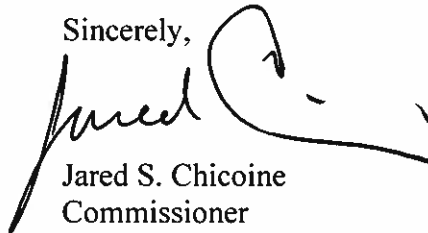
On May 5, 2023, the New Hampshire Department of Environmental Services (NHDES) notified the DOE that the Facility tested above the applicable nitrogen oxide emissions limitation for the first quarter of 2023, and, as a result, pursuant to New Hampshire Code of Administrative Rules Puc 2502.18 and Puc 2505.04(h), the Facility did not meet emissions requirements necessary for REC eligibility in the first quarter of 2023. Pursuant to Puc 2505.11(a), and the statutory changes discussed above, the DOE shall suspend the certification of a facility that uses biomass fuels for one or more calendar quarters when DES informs the DOE that the facility fails to meet any of the applicable requirements in PUC 2505.04

Pursuant to Puc 2505.11(e), prior to suspending the RPS eligibility of an electric biomass generation facility in such circumstances, the facility shall have an opportunity for hearing as described in Puc 2505.15. Puc 2505.15 provides that, prior to suspension, the DOE shall provide the certificate holder with notice and an opportunity for an adjudicative proceeding pursuant to RSA 541-A:30 and Puc 203; the certificate holder must request a hearing within 30 days of receiving the notice or its right to a hearing will be waived.

After providing such notice and opportunity for hearing, the DOE will suspend the eligibility of the certification of a generation facility that uses biomass as its primary fuel if the facility has failed to comply with either the emissions limitations, stack testing, or reporting requirements of RSA 362-F:12. *See* Puc 2505.11. The suspension will be lifted upon demonstration to the DOE of certification by NHDES that the facility meets the emissions requirements and is operating in accordance with best management practices, upon which demonstration the facility will be certified to be issued renewable energy certificates (RECs) as of the next calendar quarter. *See* Puc 2505.11(c) and (d).

Based upon the foregoing, the eligibility of the Facility to produce RPS Class III RECs as of the beginning of the first quarter of 2023 is hereby suspended, effective 30 days following the date of this letter, unless a hearing is requested prior to that date.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared S. Chicoine", with a large, stylized flourish extending to the right.

Jared S. Chicoine
Commissioner