

***Via Electronic Mail***

February 1, 2024

New Hampshire Department of Energy  
21 South Fruit Street, Suite 10  
Concord, N.H. 03301-2429

**Re: Adjustment to Renewable Portfolio Standard 2023 Class III Requirement**

On January 17, 2024, the Department of Energy (“Department”) issued an Order of Notice of Public Comment Hearing regarding proposed adjustments to the Class III Renewable Portfolio Standard (“RPS”) obligation for the 2023 compliance year.<sup>1</sup> The Retail Energy Supply Association (“RESA”)<sup>2</sup> hereby submits its comments in response to the Notice. For the reasons set forth more fully below, RESA urges the Department, as it has done in the past,<sup>3</sup> to exercise its authority to reduce the Class III compliance obligation.

RESA is a non-profit organization and trade association whose members are active participants in the retail competitive markets for electricity, including the New Hampshire retail electric market. Several RESA member companies are licensed to serve residential, commercial and industrial customers in New Hampshire and are presently providing electricity service to customers in the State.

As the Notice points out, there has been “reduced production from a number of Class III certified biomass facilities during the 2023 calendar year.”<sup>4</sup> In addition to this production shortage, there is demand for New Hampshire Class III renewable energy credits (“RECs”) in neighboring states

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<sup>1</sup> Order of Notice of Public Comment Hearing (Jan. 17, 2024) (“Notice”).

<sup>2</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

<sup>3</sup> See Order Setting 2022 Class III Obligation (Apr. 11, 2023) (“2022 Order”); Order Setting 2021 Class III Obligation (Mar. 31, 2022).

<sup>4</sup> *Id.* at 1

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that will make even fewer of those RECs available to satisfy the New Hampshire RPS obligation. New Hampshire Class III RECs qualify to meet the RPS requirements in other New England states with higher Alternate Compliance Payment (“ACP”) rates than the current New Hampshire ACP. As a consequence, the limited number of New Hampshire Class III RECs produced will likely be used by suppliers, as they have in the past,<sup>5</sup> to satisfy the RPS obligations in those neighboring states.

Moreover, a reduction in the 2023 compliance obligation will not negatively impact Class III REC production and will positively affect customers who are directly impacted by the increasing electric prices in the region. Therefore, RESA urges the Department to reduce the 2023 Class III compliance obligation to the maximum extent permitted. In order to allow suppliers to adjust for the lower obligation before the end of the 2023 New England Power Pool (“NEPOOL”) Generation Information System trading period,<sup>6</sup> RESA requests that the Department issue an order approving a reduction in the obligation prior to April 15, 2023.

Please feel free to contact me if you have any questions or require additional information. Thank you.

Sincerely,

  
Joey Lee Miranda

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<sup>5</sup> See 2022 Order, at 5 (“This comparably low ACP rate likely caused providers to purchase available Class III RECs for settlement in other states within the regional marketplace.”); Constellation NewEnergy, Inc. Comments related to Adjustment to Renewable Portfolio Class III Requirements for Compliance Year 2022 (Mar. 3, 2023).

<sup>6</sup> See NEPOOL Generation Information System, Important Dates, <https://nepoolgis.com/> (last visited Jan. 31, 2024) (establishing April 15 as the first day of the Q4 trading period).