

STATE OF NEW HAMPSHIRE

COMMISSIONER
Jared S. Chicoine

DEPUTY COMMISSIONER
Christopher J. Ellms, Jr.



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October 16, 2023

Drew Baird
MP2 Energy NE LLC d/b/a Shell Energy Solutions
21 Waterway Avenue, Suite 450
The Woodlands, TX 77380

Re: DOE Docket No. WVR 2023-002 – MP2 Energy NE LLC d/b/a Shell Energy Solutions Granting Request for Waiver of Rule Puc 2503.03(d) and 2503.05(c)(2)

Dear Mr. Baird:

By letter received September 20, 2022, MP2 Energy NE LLC d/b/a Shell Energy Solutions (SES or the Company) filed a request for waiver of N.H. Code of Administrative Rules Puc 2503.03(d) and PUC 2503.05(c)(2). SES requests waiver of these rules with respect to 2,399 Class I renewable energy certificates (RECs) and 24 Class II RECs, which are not listed as settled certificates in the NEPOOL GIS “My Settled Certificates” Disposition Report for purposes of New Hampshire 2022 Renewable Portfolio Standard (RPS) compliance due to a clerical error resulting in retirement into the incorrect subaccount. SES requested waiver of these rules to allow submission of those RECs for its New Hampshire RPS obligations for the 2022 compliance year.

Puc 2503.03(d) states as follows:

A provider of electricity shall separately file its report titled “My Settled Certificates Disposition,” issued by the GIS to the provider containing the final number of certificates settled for the prior year no later than July 31 of each year.

Puc 2503.05(c)(2) states as follows, in relevant part:

An owner of certificates may bank unused certificates by filing with the commission the following:

By July 31 of each year, the report titled “My Settled Certificates Disposition,” issued by GIS to the owner indicating the total number of certificates owned and settled for the prior year.

The Company's rule waiver request letter states that the purchased RECs, as listed above, and outlined in Attachment A to its letter, were incorrectly retired within the NEPOOL GIS system. Specifically, the RECs were inadvertently transferred to the Company's reserve account instead of a state compliance subaccount. Therefore, these RECs fail to appear as settled Class I and II certificates on the My Settled Certificates report in the NEPOOL GIS system, as necessary under Puc 2503.03(d).

The Company stated in its rule waiver request letter that the Class I and Class II RECs in question will not be used towards compliance in any other jurisdiction. Department of Energy (Department) staff have confirmed with NEPOOL GIS that the RECs listed in the waiver request letter and above are no longer in circulation and cannot be used for other compliance purposes within the NEPOOL GIS system.

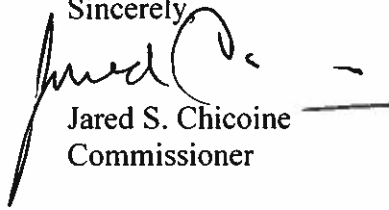
Granting the requested rule waiver would allow the Company to continue to meet the intent of the statutes and rules governing the New Hampshire RPS, while addressing a minor clerical error which would otherwise result in the inability to utilize 2,423 eligible RECs for RPS compliance. Sufficient documentation has been provided to confirm that these RECs were produced and purchased pursuant to state requirements and that they will not be used in another state jurisdiction. In addition, the waiver would relieve the Company from having to make alternative compliance payments, the cost of which may be passed on to New Hampshire electricity customers. Those considerations support approval of the requested rule waiver and allowance of the 2,399 Class I RECs and the 24 Class II RECs for use toward the Company's 2022 RPS Class I and II compliance obligations, notwithstanding the absence of those certificates from the New Hampshire Class I and II settled RECs within the NEPOOL GIS My Settled Certificates disposition report.

On July 1, 2021, the Department came into existence and many functions previously performed by the New Hampshire Public Utilities Commission (NHPUC) were transferred to the Department. Under RSA 12-P:14, "[e]xisting rules, orders, and approvals of the [NHPUC] which are associated with any functions, powers, and duties, transferred to the [Department] pursuant to RSA 12-P:11 or any other statutory provision, shall continue in effect notwithstanding any provision of RSA 541-A:17, II to the contrary, and be enforced by the commissioner of the [Department] or the [NHPUC], as applicable, until they otherwise expire or are repealed or amended in accordance with applicable law, or for a period of 5 years, whichever occurs first." *See* 2021 N.H. Laws Chapter 91 (House Bill 2-FN-A-Local); 2022 N.H. Laws Chapter 245 (House Bill 1258).

Under RSA 362-F, as amended effective July 1, 2021, the Department is now responsible for RPS compliance administration and REC certification, and for the adoption of related rules. The Department therefore is authorized to enforce the relevant provisions of the Puc 2500 rules, including Puc 2503.03(d) and Puc 2503.05(c)(2), and to grant waivers of any such rules under Puc 201.05. *See* RSA 12-P:14.

Pursuant to that statutory authority, I have found that the standards for a rule waiver set forth in Puc 201.05 have been satisfied. Accordingly, the Department grants SES a waiver of Puc 2503.03(d) and Puc 2503.05(c)(2) so that its 2,399 Class I RECs and 24 Class II RECs may be used for 2022 RPS compliance by the Company.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared S. Chicoine", with a horizontal line extending to the right from the end of the signature.

Jared S. Chicoine
Commissioner