**Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities**

**Request for Proposals to Provide NEPOOL GIS Certificates in Compliance with the New Hampshire Electric Renewable Portfolio Standards**

For Calendar Years 2023 and 2024

**November 1, 2023**

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REQUEST FOR PROPOSALS

TO PROVIDE RPS COMPLIANT RECS

1. **Overview**

In 2007 the State of New Hampshire enacted an Electric Renewable Portfolio Standard law (“NH RPS Law”) (RSA 362-F) to foster the development of renewable energy sources to meet New Hampshire’s energy needs. In 2012 the NH RPS Law was revised to include a requirement for Class I Thermal resources and to revise the Alternative Compliance Payments (“ACPs”) rates for the individual RPS Classes. The NH RPS Law requires all retail electricity suppliers to source a minimum portion of their energy needs from a portfolio of renewable energy resources. The New Hampshire Public Utilities Commission (“NHPUC”) rules (Chapter PUC 2500) implementing the NH RPS Law can be found at:

https://www.energy.nh.gov/renewable-energy/renewable-portfolio-standard

These rules require Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (“Liberty”) to demonstrate that a portion of its New Hampshire electricity sales in 2023 and 2024 are supplied from a mix of renewable energy resources. They are:

**Class I** consists of new renewable resources that began operation after January 1, 2006);

**Class I Thermal** consists of useful thermal energy delivered from a class 1 resource;

**Class II** consists of new generators utilizing solar technologies;

**Class III** consists of existing generators utilizing: 1) biomass technologies with a gross nameplate capacity of 25 MW or less; and 2) methane gas; and

**Class IV** consists of existing qualifying small hydroelectric generators with a gross nameplate capacity of 5 MW or less.

The renewable requirements as a percent of sales are divided into five separate classes and summarized below:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Year** | **Class I** | **Class I Thermal** | **Class II** | **Class III** | **Class IV** | **Total** |
| 2023 | 11.00% | 2.20% | 0.70% | 8.00% | 1.50% | 23.40% |
| 2024 | 11.90% | 2.20% | 0.70% | 8.00% | 1.50% | 24.30% |

Consistent with the RPS Settlement Agreement approved by the NHPUC in Order No. 24,953 (March 23, 2009), Liberty is seeking proposals for the supply of NEPOOL GIS certificates, also known as Renewable Energy Certificates (“RECs”), from resources that have been approved by the NHPUC as renewable energy resources that meet the NH RPS Law. Liberty is seeking proposals that only provide RECs that can be used to show compliance in calendar years 2023 and 2024. Liberty will not accept proposals that require the purchase of RECs beyond requirements for calendar year 2024.

Liberty will accept proposals based on the bids received and in the best interests of its retail customers in New Hampshire. Liberty reserves the right to determine the quantity, if any, of certificates purchased through this RFP. Nothing in this RFP, or in any proposal that may be submitted in response to this RFP, shall create any obligation on the part of Liberty.

**2. Quantity of RECs Sought and Description of Proposals**

* 1. Quantity of RECs

Liberty may purchase up to the following quantity of RECs to meet its RPS obligations in New Hampshire:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Year | Class I | Class I Thermal | Class II | Class III | Class IV |
| 2023 | 30,000 | 6,500 | - | 34,200 | 6,400 |
| 2024 | 13,900 | 2,600 | - | 9,400 | 1,800 |

* 1. Description of Proposals

Liberty will consider, among other proposals, the following types of proposals for the purchase of RECs that meet the NH RPS requirements:

* + - RECs issued by the NEPOOL GIS in the current trading period;
    - RECs to be issued by the NEPOOL GIS in future trading periods;
    - Non-cancellable Forward Certificates issued by the NEPOOL GIS for future trading periods;
    - RECs from units expecting to receive approval as a new renewable resource by the NHPUC; and
    - Unit contingent or fixed quantities of RECs.
  1. Proposal Documents and Information

To assist Respondents in responding to this RFP, Liberty is providing the RFP, Bidder Sheet and draft Certificate Purchase Agreement on its Power Procurement website. Please use the following link to access the site:

<https://new-hampshire.libertyutilities.com/londonderry/commercial/procurements.html>

This site is open to anyone with the above link. No user id or password is required to access the data on the site.

**3. General Provisions**

3.1 Terms and Conditions

Liberty is seeking to purchase RECs that are in the best interests of its customers. The winning supplier(s) will be required to execute a Certificate Purchase Agreement with Liberty for the purchase of RECs. A copy of the proposed Certificate Purchase Agreement is provided in Appendix A. A winning supplier will be required to execute the Certificate Purchase Agreement within five (5) business days of being notified that it has been selected as a winning supplier.

Any proposed changes to the Certificate Purchase Agreement are to be included with Respondent’s response to this RFP.

3.2 Proposal Process and Submission Dates

The following table outlines the key dates associated with this procurement process.

|  |  |
| --- | --- |
| **Process Step** | **Date** |
| Issue Request for Proposal | November 1, 2023 |
| Submit Respondent Proposal Information, Pricing and Proposed Contract Modifications (if applicable) | November 17, 2023 – 5pm ET |
| Company reviews Proposal Information, Pricing and Proposed Contract Modifications and informs winning respondents | By December 1, 2023 – 5pm ET |

Liberty is requesting Respondents to provide background information, qualifications, proposed pricing, and proposed contract modifications with their bid response. Upon receipt, Liberty will evaluate each Respondent’s qualifications and proposed pricing. One (1) copy of a Respondent’s Proposal Information and proposed contract modifications must be received at the following address by 5:00 p.m. ET on December 8, 2023:

Liberty Utilities (Granite State Electric) Corp.

c/o Liberty Utilities Service Corp.

15 Buttrick Rd

Londonderry, NH 03053

Attn: Chris Green

Phone: 417-437-7903

Email: Energysupportservices@libertyutilities.com

Proposal information may be submitted by U.S. Mail, hand delivery, facsimile or e-mail. Liberty is not responsible or liable for bids that are not received by the specified date and time. Proposals that are not timely received may be rejected.

Liberty will review the bids received, determine the number of RECs it will purchase, if any, based on the bids received and begin to inform Respondents from which they wish to purchase RECs.

Liberty, at its sole discretion, reserves the right to issue additional instructions or requests for additional information, to extend the due date, to modify any provision in the RFP or any appendix thereto and to withdraw the RFP.

3.3 Contact Person/Questions

All questions regarding this Request for Proposal should be directed to Chris Green at the address provided above.

3.4 Right to Select Supplier

Liberty shall have the exclusive right to select or reject any or all of the proposals submitted at any time, for any reason.

**4. Proposal Requirements**

4.1 Format of Proposal

The information required by Liberty to evaluate each proposal is identified in Appendix B. Respondents may simply complete the forms provided in Appendix B in any legible fashion and return them to the contact provided in Section 3.2. In addition, proposals should contain explanatory, descriptive and/or supporting materials as necessary.

4.2 Proposed Pricing

Respondents must specify the price at which they will sell RECs to Liberty. Liberty is only purchasing RECs from qualified renewable resources and will not purchase the energy or other market products from any resource.

It is Liberty intention to pay a supplier based on the number of valid RECs actually delivered to its account in the NEPOOL GIS system. Proposed pricing should be structured in such manner.

4.3 Regulatory Approvals

The supplier of the RECs covered by this RFP shall provide a summary of all necessary regulatory approvals required to enable it to provide NH RPS Law compliant NEPOOL GIS Certificates.

**5. Selection Process**

The criteria to be used in evaluating proposals will include, but is not limited to:

* Lowest evaluated bid price;
* Quantity of RECs offered;
* Ability of supplier to meet its obligation to deliver RECs;
* Firmness of delivery;
* Supplier’s ability to meet the credit requirements established in the proposed Certificate Purchase Agreement provided in Appendix A;
* The supplier’s past experience in providing similar services to Liberty;
* The supplier’s past experience in providing similar services to other companies in New England;
* The supplier’s past experience in providing similar services to other companies in other regions;
* The supplier’s demonstrated understanding of its obligations under the proposed Certificate Purchase Agreement; and
* Whether there have been any past or are any present events that are known that may adversely affect the supplier’s ability to provide RECs.

Liberty will treat the information it receives from Respondents in a confidential manner and will not, except as required by law or regulatory authority, disclose such information to any third party or use such information for any purpose other than in connection with this RFP.

6. General Requirements

Liberty may withdraw and terminate this RFP at any time without any liability. Liberty reserves the right to accept or reject, in whole or in part, any and all proposals. Liberty will not be responsible to any Respondent or any other party for failure to execute a Certificate Purchase Agreement.

Liberty shall reject proposals submitted in response to this RFP that are incomplete, or do not conform to the requirements of the RFP or are submitted beyond the deadline for submission. All proposals submitted by Respondents in response to the RFP will become the exclusive property of Liberty.

Each Respondent certifies, by its submission of a bid, that it is bidding independently and that it has no knowledge of any proposal being submitted by another Respondent in response to this RFP. Each Respondent further certifies that, by its submission of a bid, it has not disclosed and will not disclose prior to any award hereunder any information relating to its proposal which could have an effect on whether another party submits a proposal to this RFP or on the contents of such proposal that another bidder would be willing to submit in response to this RFP. Such information includes, but is not limited to: the fact that the bidder is submitting a proposal in response to this RFP; the bidder’s bids; the bidder’s quantities of each product bid; the bidder’s estimation of the value of a product; the bidder’s estimation of the risks associated with supplying a product; and the bidder’s preference for bidding on one or several products. Each Respondent further certifies that, by submission of its bid, it has bound any agents, consultants or other third parties retained or otherwise used in connection with the preparation and submission of its bid to observe these same restrictions and requirements concerning Respondent’s bid and maintain the confidentiality of information concerning its bid.

If any information provided by the Respondent changes or fails to remain valid, it is the sole responsibility of the Respondent to notify Liberty of such change. Failing to do so may result in disqualification of the Respondent and its proposal for the solicitation.

Respondents shall, at their own cost and expense, defend, indemnify and hold harmless Liberty, its parent, subsidiaries and affiliates and their officers, directors, trustees, employees, shareholders, executors, administrators, successors and assigns against any and all manner of past, present, or future claims, demands, disputes, controversies, complaints, suits, actions proceeding or allegations of any kind which in any manner relate to arise out of, or result from any false statements or misrepresentations, intentional or unintentional, in its proposal, or breach of any covenant by the Respondent set forth herein.

**APPENDIX A**

**PROPOSED CERTIFICATE PURCHASE AGREEMENT**

**APPENDIX B**

**REQUIRED PROPOSAL INFORMATION**

**1. General Information**

|  |  |
| --- | --- |
| Name of Respondent |  |
| Principal contact person  ● Name  ● Title  ● Company  ● Mailing address  ● Telephone number (office)  ● Telephone number (cell)  ● Fax number  ● E-mail address |  |
| Secondary contact person (if any)  ● Name  ● Title  ● Company  ● Mailing address  ● Telephone number (office)  ● Telephone number (cell)  ● Fax number  ● E-mail address |  |
| Legal form of business organization of Respondent (e.g., sole proprietorship, partnership, limited partnership, joint venture, or corporation) |  |
| State(s) of incorporation, residency and organization  Indicate whether Respondent is in good standing in all states in which Respondent is authorized to do business and, if not, which states and the reason it is not. |  |
| If Respondent is a partnership, the names of all general and limited partners.  If Respondent is a limited liability company, the names of all direct owners. |  |
| Description of Respondent and all affiliated entities and joint ventures transacting business in the energy sector |  |

**2. Financial Information**

|  |  |
| --- | --- |
| Current debt rating for Respondent (include ratings and names of rating agencies). |  |
| Date Respondent’s last fiscal year ended. |  |
| Total revenue for Respondent for the most recent fiscal year. |  |
| Total net income for Respondent for the most recent fiscal year. |  |
| Total assets for Respondent as of the close of the previous fiscal year. |  |
| Copy of the Respondent’s most recent balance sheet, income statement and cash flow statement. |  |
| Copy of the Respondent’s most recent audited balance sheet, income statement and cash flow statement. |  |

**3. Defaults and Adverse Situations**

|  |  |
| --- | --- |
| Has Respondent, or any affiliate of Respondent, in the last five years, (a) consented to the appointment of, or was taken in possession by, a receiver, trustee, custodian or liquidator of a substantial part of its assets, (b) filed a bankruptcy petition in any bankruptcy court proceeding, (c) answered, consented or sought relief under any bankruptcy or similar law or failed to obtain a dismissal of an involuntary petition, (d) admitted in writing of its inability to pay its debts when due, (e) made a general assignment for the benefit of creditors, (f) was the subject of an involuntary proceeding seeking to adjudicate that Party bankrupt or insolvent, (g) sought reorganization, arrangement, adjustment, or composition of it or its debt under any law relating to bankruptcy, insolvency or reorganization or relief of debtors. |  |

**4. CONFLICTS OF INTEREST**

|  |  |
| --- | --- |
| Briefly describe any known conflicts of interest between bidder or an affiliate of bidder and Liberty or any affiliates of Liberty. |  |
| Enumerate any litigation, claims or complaints asserted by bidder or an affiliate of bidder, against Liberty or an affiliate of Liberty. |  |
| Enumerate any litigation, claims or complaints asserted against bidder or an affiliate of bidder, by Liberty or an affiliate of Liberty. |  |

**5. SCOPE OF BID AND TERMS OF SALE**

|  |  |
| --- | --- |
| Will Respondent execute a contract substantially similar to the proposed Certificate Purchase Agreement contained in Appendix A?  Explain any proposed modifications. |  |
| List all regulatory approvals required before service can commence. |  |

**6. PROPOSED TRANSACTION**