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April 28, 2026

Jeffrey R. Gaudiosi, Esq.
Executive Secretary
Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051

Re: PURA Confirmation for NEPOOL GIS – Post-Close Transfer of Renewable Energy Credits Pursuant to NEPOOL GIS Operating Rules 3.8(d)

Dear Mr. Gaudiosi:

Eligo Energy CT, LLC ("Eligo") respectfully requests[1] that the Public Utilities Regulatory Authority (the "Authority") provide Eligo with a statement in writing, whether in response to this letter or otherwise, that the Authority will accept Renewable Energy Credits ("RECs") generated in the calendar year 2024 (the "2024 RECs")[2] towards the Connecticut's Renewable Portfolio Standards ("RPS") compliance requirements for the compliance year 2025.

In particular, Eligo makes this request pursuant to the New England Power Pool ('NEPOOL") Generation Information System ("GIS") Operating Rules ("Operating Rules"), Rule 3.8(d). Eligo has spoken to NEPOOL and the APX Administrator, in charge of managing the GIS system, and has received approval to make a post-closing account adjustment of these 2024 RECs in order to apply them to the 2025 compliance year. These post-closing adjustments will result in the 2024 RECs appearing in the My Settled Certificate Disposition Report issued by NEPOOL GIS and to be submitted to the Authority by Eligo on October 15, 2026 for 2025 compliance. All accounting and tracking will be done through NEPOOL, with the 2024 RECs reflecting a 2024 generation

[1] Eligo originally filed this request as undocketed correspondence on March 9, 2026. On April 28, 2026, it was requested by the Authority that Eligo re-file this request as a motion in Docket No. 25-06-01.

[2] The 2024 RECs include 6,282 Class I RECs generated by solar, fuel cell, hydroelectric, and biomass facilities properly registered through the Authority as a Class I generator, and 1,122 Class III RECs produced by Combined Heat and Power Systems properly registered through the Authority as Class III generators. The total estimated cost of the 2024 RECs is $280,344.30

date and 2025 settlement date. NEPOOL and the APX Administrator have requested only that the Authority provide notification of its consent for Eligo and APX to proceed with this transfer under Rule 3.8(d)(ii).

Rule 3.8(d) provides:

> **Rule 3.8 Post-Closing Account Adjustment**
>
> (d) In addition to the foregoing provisions relating to Post-Closing Account Adjustments and notwithstanding any other provision of these Rules to the contrary, an Account Holder that has had Certificates that are eligible for inclusion in a Banked Certificate Subaccount under Rule 3.7 retired from its account or Subaccount and become Unsettled Certificates at the end of any Trading Period may, upon request to the GIS Administrator, have such Unsettled Certificates credited back to that account or Subaccount and/or subsequently transferred to another account or Subaccount if the following conditions are met:
>
> (i) those Certificates may be credited to the Account Holder's account or Subaccount and/or transferred to another account or Subaccount not later than the date for the annual compliance filing for the state RPS or APS for which those Certificates are eligible; and
>
> (ii) if an Energy Regulatory Agency listed on Appendix 5.3 notifies the GIS Administrator in writing that any such crediting and/or transfer of Certificates eligible for its state's RPS or APS must be approved by that Energy Regulatory Agency, then that Energy Regulatory Agency shall have approved the crediting and/or transfer of those Certificates.
>
> In the event that any Unsettled Certificates that are to be credited to an account or Subaccount under this Rule 3.8(d) are eligible for the RPS or APS of more than one state, then those Certificates shall only be designated as being eligible for any RPS or APS for which (x) they are otherwise eligible, (y) the annual compliance filing deadline has not occurred, and (z) either no Energy Regulatory Agency approval is required or the applicable Energy Regulatory Agency has granted approval. Upon any crediting and/or transfer of Certificates under this Section 3.8(d), the GIS Administrator shall update the quarterly and annual reports produced under Rule 5.2(a) of the Account Holder(s) to which those Certificates have been credited and/or transferred.

It is Eligo's understanding that the Authority had "opted-in" to subsection (ii) of Rule 3.8(d) and has notified NEPOOL that the Authority must approve a crediting or transfer of RECs eligible for the Connecticut RPS, although Eligo was not able to find such opt-in notification as part of the

public record.[3] Presently, there is nothing in Rule 3.8(d), Connecticut General States § 16-245a or the Regulations of Connecticut State Agencies ("RCSA") § 16-245a-1 et seq. that disallows RECs generated from a prior year to be applied directly to a future RPS compliance year.

Under the NEPOOL GIS Operating Rules, Rule 3.8(d), the requirements for eligibility for a post-closing transfer are summarized as follows:

1. The RECs must be "Unsettled Certificates," as defined in the NEPOOL GIS Operating Rules;
2. The Unsettled Certificates must be credited or transferred to the account holder's account or subaccount prior to the date of the annual compliance filing for which they are eligible to be applied (i.e., October 15, 2026); and
3. That the state regulatory agency, in this case the Authority, if opted-in to require separate approval, provides approval in writing of the post-close transfer.

Unsettled Certificates represent unused RECs at the end of an applicable trading quarter, wherein the RECs are "swept" back into the NEPOOL Residual Mix. Operating Rules, Rule 3.4(a); *see also* Docket No. 13-11-18, *Petition of Clearview Electric, Inc. for a Declaratory Ruling Regarding the Applicability of Certain Statutes and Regulations to its Renewable Energy Portfolio Standards Compliance in the Year 2010* (May 20, 2014 Authority Decision), at 7-8. In Eligo's present situation, all Class I and Class III RECs requested to be transferred are Unsettled Certificates, as verified through the APX Administrator's willingness to move such credits from the Residual Mix to Eligo's Connecticut account, to be used towards the 2025 RPS compliance requirements. These RECs were swept into the residual mix following the fourth quarter of the 2024 trading period.

As it pertains to the second requirement under Rule 3.8(d), the compliance year in which Eligo will utilize these RECs is for compliance year 2025, which is not to be filed until October 15, 2026. Both of these two requirements are squarely met.

The last, and only remaining requirement is for Eligo to receive the Authority's approval, in writing, to allow the post-close transfer to occur.

Eligo is aware of the Authority precedent since July 31, 2020, where the Authority stated it would "no longer entertain any requests for Authority approval to reallocate and use misplaced or inadvertently transferred RECs for the 2019 RPS compliance year, and any subsequent compliance years thereafter." Docket No. 21-06-01, *Annual Review of Connecticut's Electric Suppliers' and Electric Distribution Companies' Compliance with Connecticut's Renewable Energy Portfolio Standards in the Year 2020,* Motion Nos. 1 and 2 Ruling (Oct. 6, 2021), at 2; Docket No. 20-06-01, *Annual Review of Connecticut's Electric Suppliers' and Electric Distribution Companies'*

[3] During discussions, the APX Administrator reviewed the relevant rules surrounding REC eligibility and agreed that there is no indication that such a use of prior-year generated RECs cannot be used in this way, but still requested that Eligo receive confirmation from the Authority that the Authority would accept the 2024 RECs as part of Eligo's future 2025 RPS compliance, to be filed on October 15, 2026.

Compliance with Connecticut's Renewable Energy Portfolio Standards in the Year 2019, Motion No. 3 Ruling (Aug. 31, 2020); Docket No. 20-06-01, Final Decision (May 19, 2021), at 5.

However, such precedent is inapplicable to the instant request for two reasons. The first being that since the Authority has implemented this guidance, it has not issued any decisions specific to Unsettled Credits, nor under Operating Rule 3.8(d). The most recent example of requests pursuant to Operating Rule 3.8(d) occurred in Docket No. 20-06-01, where the Authority approved Vistra Corp.'s transfer of Unsettled RECs totaling 16,761 Class II RECs and 16,373 Class III RECs that became unsettled.[4] In response to a request in Docket No. 17-06-29, the Authority similarly approved the transfer of 7,548 RECs from Choice Energy's Unsettled Certificates housed in the residual mix to be moved to its Connecticut subaccount.[5] Second, Rule 3.8(d) was amended in 2014, as reflected in NEPOOL Working Group and Markets Committee materials from July 2014,[6] to solve exactly this problem: it extended the post-closing adjustment window to each state's annual compliance-filing deadline and adopted an opt-in state-approval option so that Unsettled Certificates could be corrected and used for compliance. The Authority's own practice aligned with that practice in Docket No. 17-06-29 where it approved Choice Energy's transfer.

Eligo understands that the Authority may have reservations in reviewing requests for approval of REC transfers, including those requests specific to Rule 3.8(d). In the case that the Authority is inclined to refuse written consent for the APX Administrator to go through with the discussed transfer, Eligo would request, in the alternative, that the Authority then withdraw its notification to NEPOOL requesting that Rule 3.8(d) requests require direct approval by the Authority, as well as meeting the other requirements for eligibility. Eligo, NEPOOL, and the APX Administrator have reviewed the request[7] and are able to move ahead with the transfer without any state-level regulatory approval (absent the NEPOOL notification) pursuant to the Operating Rules and Connecticut law, and doing so may alleviate the administrative burden that would require the Authority to review such a request.[8] However, if the Authority simultaneously declines to consider

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[4] *See* Docket No. 20-06-01, Ruling to Motion No. 3 (Aug. 31, 2020).

[5] *See* Docket No. 17-06-23, *Annual Review of Connecticut Electric Suppliers and Electric Distribution Companies*, Final Decision (Jan. 23, 2019), at 10-11.

[6] *See* NEPOOL, *Memorandum from Paul N. Belval, NEPOOL Counsel, to NEPOOL Markets Committee, Re: Referral to GIS Operating Rules Working Group — Reversal of Retirement or Movement of Certificates* (July 1, 2014) (NEPOOL Counsel explaining that DTE Energy Trading, Inc. had forfeited Certificates with a value of approximately $763,000 — and estimated total losses as high as $875,000 — because the pre-amendment Rule 3.8(d) prohibited credit-backs after the expiration of the fourth quarter Trading Period); NEPOOL, *Meeting Minutes of the NEPOOL Markets Committee Meeting* (July 25, 2014) ("GIS Account Holders [were] potentially losing several million dollars at a time due to the fourth quarter Trading Period close out clause" and that, to recover those losses, Account Holders had been forced to "contact the state regulators and file[] petitions to allow for the utilization of the affected Certificates to meet state RPS requirements.").

[7] NEPOOL and the APX Administrator have found Eligo's request under Rule 3.8(d) to be consistent with NEPOOL policy and the Operating Rules, and likewise find no reason for the proposal to be found as inconsistent with Connecticut law. Rule 3.8(d), at its core, was contemplated (and revised) for this type of proposal.

[8] NEPOOL will perform the post-closing transfer upon approval and the 2024 RECs will appear in Eligo's My Settled Certificate Disposition Report as part of Eligo's normal RPS compliance filing, to be filed October 15, 2026. The 2024 RECs will reflect a 2024 generation year with settlement in 2025.

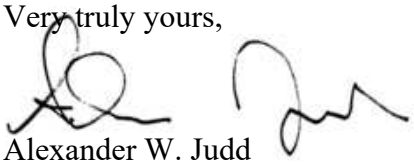
this Rule 3.8(d) request — whether by applying the 2020 Authority policy in denying reallocation of RECs or otherwise — the practical effect is that Rule 3.8(d) is nullified for Connecticut. Eligo would be left with no possible pathway: the APX Administrator cannot act without the Authority's optional consent, and the Authority will not provide it while still requiring it.

In either situation, whether the Authority provides affirmative consent for the 2024 RECs to be utilized for the 2025 compliance year RPS, or the Authority opts to instead rescind its NEPOOL notification, the APX Administrator will conduct the post-closing transfer of the 2024 RECs, and Eligo will provide the documentation in its usual RPS compliance filing October 15, 2026 for the Authority's review and approval.

If the Authority instead wishes for a fulsome review of this proposal and retain authorization authority under Rule 3.8(d) through the Authority's opt-in notification, Eligo has discussed this matter with the Authority's Office of Education, Outreach, and Enforcement ("EOE"), and both Eligo and EOE are willing to enter into settlement discussions, if directed, to effectuate the sign-off for the APX Administrator to conduct the transfer.

Please do not hesitate to contact me if you have any questions or require additional information. Thank you.

Very truly yours,



Alexander W. Judd

cc: Service List