

DANA M. HORTON

One Financial Plaza, 14th Floor
Providence, RI 02903-2485
Main (401) 709-3300
Fax (401) 709-3399
dhorton@rc.com
Direct (401) 709-3352

Admitted in Rhode Island,
Connecticut, Massachusetts,
Vermont, Maine, and New Hampshire

***Via Electronic Mail
and Hand Delivery***

April 30, 2026

Stephanie De La Rosa
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Docket No. 3947: Renewable Energy Resources (RES) Certification Application on behalf of Casella Waste System for Generation Unit: Clinton LFGE Unit

Dear Ms. De La Rosa:

In accordance with section 1.11(A) of the Rhode Island Public Utilities Commission (“Commission”) Rules of Practice and Procedure, on behalf of Casella Waste Management of N.Y., Inc. (“Company”) is a Petition For Expedited Relief in connection with the above-referenced matter. The Company respectfully requests that the Commission grant the requested relief by June 1, 2026.

Please feel free to contact me should you have any questions or require further information.
Thank you.

Sincerely,



Dana M. Horton
Attachment

Copy to: Cynthia Wilson-Frias (via electronic mail only)
Todd Bianco (via electronic mail only)

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

RENEWABLE ENERGY RESOURCES (RES)	:	
CERTIFICATION APPLICATION ON BEHALF	:	
OF CASELLA WASTE SYSTEM FOR	:	DOCKET NO. 3947
GENERATION UNIT: CLINTON LFGE UNIT	:	
	:	

CASELLA WASTE MANAGEMENT OF N.Y., INC.’S
PETITION FOR EXPEDITED RELIEF

In accordance with section 1.11(A) of the Rhode Island Public Utilities Commission (“Commission”) Rules of Practice and Procedure,¹ Casella Waste Management of N.Y., Inc. (“Company”) respectfully requests that the Commission confirm that New York Generation Attribute Tracking System (“NYGATS”) Certificates associated with energy that was imported into ISO New England (“ISO-NE”)² can be used by Obligated Entities³ for compliance with the Rhode Island Renewable Energy Standard (“RES”). In order to ensure that Obligated Entities know whether the NYGATS Certificates will be accepted for Rhode Island RES compliance prior to the close of the 2025 New England Power Pool Generation Information System (“NEPOOL GIS” or “NE-GIS”) trading period,⁴ the Company requests that the Commission grant the requested relief by June 1, 2026.

¹ 810-RICR-00-00-1.11(A).

² See Attachment A; Attachment B.

³ An Obligated Entity is defined, in pertinent part, as: “a person or entity that sells electrical energy to End-use Customers in Rhode Island, including, but not limited to: Nonregulated Power Producers and electric utility distribution companies” or “any customer buying electricity supply directly from wholesale markets.” 810-RICR-40-05-2.3(A)(26).

⁴ See “Important NEPOOL GIS Dates,” available at: <https://nepoolgis.com/> (identifying June 15 as close of trading period).

BACKGROUND

The Company owns the Clinton Landfill Gas Facility (“Facility”). Since approximately 2008, Innovative Energy Systems (“IES”) managed energy services for the Facility.⁵ In 2008, the Facility filed an application to be certified as an Eligible Renewable Energy Resource.⁶ On August 6, 2008, the Commission issued a written order certifying the Facility as a New, Eligible Biomass Renewable Energy Resource.⁷

The Facility has consistently generated renewable power, imported power to ISO-NE, and minted renewable energy credits (“RECs”) through NYGATS and NEPOOL GIS every quarter since 2009 through the first quarter of 2025. Between April and June 2025, the Facility also generated energy, which was imported into ISO-NE.⁸ Unfortunately, due to an administrative error resulting from a change in energy management companies, the meter data associated with those RECs was not uploaded into NEPOOL GIS prior to the deadline to do so (i.e., by October 10, 2025).⁹ As a consequence, no NEPOOL GIS Certificates were minted.

Once the Company became aware of the issue in February 2026, it attempted to remedy the situation through NYGATS and NEPOOL GIS. However, the Company was advised by the NEPOOL GIS Administrator that it was unable to enter the meter data because the deadline to do so had passed. The Company now requests that the Commission confirm that the 11,674 NYGATS Certificates identified in Attachment A can be used by Obligated Entities to satisfy the

⁵ See Renewable Energy Resources Eligibility Application (Apr. 23, 2008), § 1.13 (identifying IES as the operator of the Facility).

⁶ See generally, *id.*

⁷ See generally, Order No. 19363 (Aug. 6, 2008); see also Order No. 19577 (Feb. 19, 2009) (assigning Renewable Energy Resource certification number RI -3947-N09); Order No. 21176 (Oct. 3, 2013) (recognizing increased capacity).

⁸ See Attachment B.

⁹ See “Important NEPOOL GIS Dates,” available at: <https://nepoolgis.com/> (identifying October 10 as the last day to submit MWh for the second quarter).

RES. The Company has implemented new procedures to prevent similar issues, such as automated compliance reminders, quarterly calls before deadlines, and mandatory written confirmation of minting.

REQUEST FOR RELIEF

In addition to the powers specifically granted to it by statute, the Commission is endowed with “all additional, implied, and incidental power that may be proper or necessary to effectuate their purposes.”¹⁰ This additional, implied and incidental power includes the authority to grant the relief requested herein.¹¹

The RES statute provides, in relevant part, that “compliance with the renewable energy standard *may* be demonstrated through procurement of NE-GIS certificates relating to generating units certified by the commission as using eligible renewable energy sources, as evidenced by reports issued by the NE-GIS administrator.”¹² Similarly, the Commission’s regulations state that “[c]ompliance with the Renewable Energy Standard *may* be demonstrated through procurement of NEPOOL GIS Certificates relating to Generating Units certified by the Commission as using eligible renewable energy sources, as evidenced by reports issued by the NEPOOL GIS Administrator.”¹³ However, neither the statute nor regulations mandate that RES compliance be demonstrated through NEPOOL GIS Certificates.¹⁴

In fact, the RES regulations specifically contemplate that RECs from facilities located outside of ISO-NE can be used to satisfy the RES “to the extent that the energy produced by the

¹⁰ R.I. Gen. Laws § 39-1-38.

¹¹ *Accord* Order No. 18198 (Apr. 6, 2005).

¹² R.I. Gen. Laws § 39-26-4(d) (emphasis added).

¹³ 810-RICR-40-05-2.8(A) (emphasis added).

¹⁴ *See Downey v. Carcieri*, 996 A.2d 1144, 1151 (R.I.2010) (“It is an axiomatic principle of statutory construction that the use of the term ‘may’ denotes a permissive, rather than an imperative, condition.”); *see also* 810-RICR-40-05-2.8(E) (“Obligated Entities shall provide, in the annual [RES] compliance filing, such NEPOOL GIS *or other reports* to demonstrate compliance to the satisfaction of the Commission.”) (emphasis added).

Generation Unit is actually delivered into NEPOOL for consumption by New England customers.”¹⁵ In addition:

any party using Generation Attributes from a Generation Unit located in control area adjacent to NEPOOL must provide documentation satisfactory to the Commission that the Generation Attributes have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Rhode Island such as ***a report from a neighboring Generation Attribute accounting system or an affidavit.***¹⁶

The unique certificate serial numbers assigned by NYGATS,¹⁷ “My Imports Report” issued by NEPOOL GIS,¹⁸ and assurances required in the annual compliance filing of any Obligated Entities that purchase the RECs¹⁹ will confirm compliance with these requirements. As an added measure, the Company will also issue an affidavit to any Obligated Entity that purchases the NYGATS RECs identified in Attachment A for Rhode Island RES compliance purposes affirming that the RECs have not been sold to any other party.

The Commission was created to effectuate the legislative policy set forth in Title 39.²⁰ For decades, it has been a policy of the State of Rhode Island “to encourage, through all feasible means and measures, states where fossil-fueled, electric-generating units producing air emissions affecting Rhode Island air quality are located to reduce such emissions over time to levels that enable cost-effective attainment of environmental standards within Rhode Island.”²¹ In addition, when it established the RES, the legislature found that “[i]ncreased use of renewable energy can

¹⁵ 810-RICR-40-05-2.5(B).

¹⁶ 810-RICR-40-05-2.5(C) (emphasis added).

¹⁷ See Attachment A.

¹⁸ See Attachment B.

¹⁹ Accord 810-RICR-40-05-2.8(J)(3)(e) (requiring “[a]ssurances satisfactory to the Commission that the New or Existing Renewable NEPOOL GIS Certificates have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Rhode Island.”).

²⁰ See Order No. 20629 (Jan. 24, 2012), at 16.

²¹ R.I. Gen. Laws § 39-1-1(d)(6) (declaring policy “as of 1996”).

reduce air pollutants, including carbon dioxide emissions, that adversely affect public health and contribute to global warming.”²² Without the requested relief, the Company will lose an important source of income for the Facility. By granting the requested relief and recognizing the NYGATS Certificates identified in Attachment A as acceptable for compliance with the RES, the Commission can ensure that the Facility receives valuable revenue from the sale of RECs that will continue to promote generation of electricity from a non-fossil fuel source that significantly reduces emissions of greenhouse gases and other air pollutants.²³

Furthermore, good cause exists for the Commission to grant the requested relief because, as noted above, the failure to submit the necessary meter data in order to mint NEPOOL GIS RECs was an inadvertent error resulting from a change in energy management companies. In addition, because the NEPOOL GIS deadline to submit the necessary data passed before the Company became aware of the oversight, there are no other means by which the Company can qualify the NYGATS RECs identified in Attachment A to be used for RES compliance purposes. In addition, granting of the requested waiver is consistent with prior Commission decisions that have authorized the use of RECs that were not properly minted or retired in the NEPOOL GIS to be used to satisfy the RES.²⁴

²² R.I. Gen. Laws § 39-26-1(3).

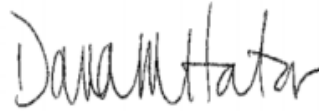
²³ See United States Environmental Protection Agency, “Frequent Questions about Landfill Gas,” <https://www.epa.gov/lmop/frequent-questions-about-landfill-gas#:~:text=for%20Methane%20Mitigation,-Do%20LFG%20energy%20projects%20reduce%20greenhouse%20gas%20emissions?,LFG%20Electricity%20Power%20Purchase%20Agreements> (last visited Apr. 24, 2026).

²⁴ See, e.g., Order No. 24414 (May 19, 2022) (certifying NEPOOL GIS Certificates as RES-eligible even though emissions data was not timely entered); accord Order No. 25564 (Dec. 9, 2025); (permitting use of RECs inadvertently retired in Connecticut toward Rhode Island RES compliance); Order No. 23238 (Aug. 8, 2018) (same).

CONCLUSION

For all the foregoing reasons, the Company respectfully requests that the Commission confirm that the NYGATS Certificates identified in Attachment A can be used by Obligated Entities for compliance with the RES.

Respectfully submitted,
CASELLA WASTE MANAGEMENT OF N.Y.,
INC.



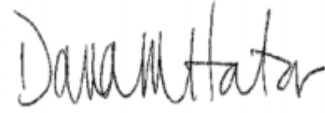
By: _____

Dana M. Horton
Robinson & Cole LLP
One Financial Plaza
14th Floor
Providence, RI 02903
Phone: (401) 709-3300
Fax: (401) 709-3399
E-mail: dhorton@rc.com
Its Attorneys

April 30, 2026

CERTIFICATE OF SERVICE

I hereby certify that, on April 30, 2026, I delivered a true copy of the foregoing Request for Relief via electronic mail to the parties on the Service List for Docket No. 3947.

A handwritten signature in black ink that reads "Dana M. Horton". The signature is written in a cursive style with a large initial "D".

Dana M. Horton

ATTACHMENT A

Results

Status	External Registry	External Account	NYGATS ID	Project Name	Certificate Only	Fuel Type	Certificate Vintage	Quantity	Certificate Serial Numbers	Initiated to Registry Timestamp
Confirmed	COA	ISNE (2)	GEN1292	CLINTON - CLINTON__LFGE	No	Biogas - Landfill Gas	6/2025	3868	NYGATS-CERT-1292-NY-06-2025-134970-1 to 3868	7/15/2025 18:07:55
Confirmed	COA	ISNE (2)	GEN1292	CLINTON - CLINTON__LFGE	No	Biogas - Landfill Gas	5/2025	4152	NYGATS-CERT-1292-NY-05-2025-134119-1 to 4152	6/27/2025 3:51:25
Confirmed	COA	ISNE (2)	GEN1292	CLINTON - CLINTON__LFGE	No	Biogas - Landfill Gas	4/2025	3654	NYGATS-CERT-1292-NY-04-2025-128564-1 to 3654	5/22/2025 22:11:05

ATTACHMENT B

REPORT

Year Generator

1 of 1 100% Find | Next

My Imports Report; Account Holder ID: 14023; Year: '2025'. Print date: 02/24/2026 10:12:44 PM (GMT+00:00)

Participant ID	Import Generator	Non Standard ID	EIA ID	Year	Month	Energy Imports (MWh)	Project Meter Data (MWh)	Maximum MWh to Claim	Certificates to be Issued	System Mix	Status
50737	Clinton	NY323618	NA	2025	06	4,315.00		-			Approved
50737	Clinton	NY323618	NA	2025	05	4,464.00		-			Approved
50737	Clinton	NY323618	NA	2025	04	4,320.00		-			Approved
50737	Clinton	NY323618	NA	2025	03	4,458.00	4,005.00	4,005.00	4005	453.00	Approved
50737	Clinton	NY323618	NA	2025	02	4,032.00	3,585.00	3,585.00	3585	447.00	Approved
50737	Clinton	NY323618	NA	2025	01	4,464.00	4,215.00	4,215.00	4215	249.00	Approved