

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

In re: Casella Waste System for Generation Unit: Hyland :
and Casella Waste System for Generation Unit: Clinton : **Docket Nos. 3946, 3947**
LFGE Unit - Renewable Energy Resources (RES) :
Certification Request for Expedited Relief :

ORDER

On April 30, 2026, Casella Waste Management of N.Y., Inc. filed a Petition with the Public Utilities Commission (Commission) on behalf of two of its Facilities, Hyland and Clinton that are certified as New Renewable Energy Resource in Rhode Island.¹ The Petition requested expedited relief asking the Commission to confirm that New York Generation Attribute Tracking System (NYGATS) certificates associated with energy that was imported into ISO New England, but not minted in the NEPOOL-GIS, can be used by Obligated Entities for Renewable Energy Standard (RES) compliance. Petitioners sought a decision by June 1, 2026, to allow NYGATS certificates to be sold to Obligated Entities during the fourth quarter trading period for RES compliance by those entities. At an Open Meeting held on May 14, 2026, the Commission reviewed the facts and law and declined to make the requested finding.

Facts

The Petition provided the following facts. The Facilities generated energy between April and June 2025. Attachment A to the Petition shows that there are NYGATS certificates associated with the Facilities' respective generation including 6,840 certificates for the Hyland Facility and 11,674 certificates for the Clinton Facility. Attachment B to the Petition shows that there were imports to ISO-NE during that period from the Facilities. Minting of certificates in NEPOOL-GIS

¹ The Petitions can be accessed on the Commission's website at: <https://ripuc.ri.gov/Docket-3946> and <https://ripuc.ri.gov/eventsactions/docket/3947page.html> or reviewed at the Commission's offices at 89 Jefferson Blvd, Warwick, RI 02888.

for this energy closed on October 10, 2025. Petitioners stated, “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). As a consequence, no NEPOOL GIS Certificates were minted.”² The result is there are no NEPOOL-GIS certificates for these Facilities to sell to Obligated Entities.³

Legal Argument

In support of their request, Petitioner states that law and regulations provide that RES compliance may be met with NEPOOL-GIS certificates, implying that it is not the only way to meet compliance and, therefore, the Commission has discretion to allow an alternative method of compliance, such as through recognition of the NYGATS certificates. Petitioner indicates that the energy was delivered to ISO-NE (NEPOOL Control Area) as reflected in Attachment B “My Imports Report.” They further offer to provide an affidavit to Obligated Entities affirming that the certificates would not be used elsewhere for compliance (this is an Obligated Entity requirement). The stated good cause is that the mistake occurred during a change in energy management companies. Hyland has filed a letter for decertification as of December 31, 2025.⁴ Petitioner advises that Clinton has put measures into place to avoid this in the future. Thus, Petition avers, it is unlikely the same problem will arise again.⁵

² Hyland Pet. at 3; Clinton Pet. at 3.

³ An Obligated Entity means a person or entity who or that sells electrical energy to end-use customers in Rhode Island, including, but not limited to: nonregulated power producers and electric utility distribution companies, as defined in § 39-1-2, supplying standard-offer service, last-resort service, or any successor service to end-use customers, including Narragansett Electric, but not to include Block Island Power Company as described in § 39-26-7 or Pascoag Utility District. (R.I. Gen. Laws § 39-26-2(17)).

⁴ Hyland Pet. at 3.

⁵ Clinton Pet. at 3.

Commission Findings

This matter is akin to a Declaratory Ruling in that it is a request to interpret the applicable law to the undisputed facts as set forth in the Petition.⁶ The Commission, as the RES Administrator, has jurisdiction over this matter. This is an issue of first impression and while the Commission appreciates the Petitioner's predicament, it cannot affirm the interpretation being advanced by Petitioner.

The applicable law is R.I. Gen. Laws § 39-26-4 which states, in pertinent part:

- (d) To the extent consistent with the requirements of this chapter, 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...
- (e) In lieu of providing NE-GIS certificates pursuant to subsection (d) of this section, an obligated entity may also discharge all or any portion of its compliance obligations by making an alternative compliance payment to the renewable energy development fund established pursuant to § 39-26-7.

This section provides two pathways for Obligated Entities to follow. The Commission notes that the obligation to satisfy the RES rests with Obligated Entities, while the Commission's role with respect to Facilities is to determine whether they qualify for and maintain RES certification.⁷ Statutory construction requires the Commission to apply the plain language of the statute absent an ambiguity in the law.⁸ Here, there is no ambiguity and the plain language of the statute provides Obligated Entities with only two means of compliance: retirement of NEPOOL-GIS certificates or payment of an Alternative Compliance Payment (ACP). Although the legislature used the term "may" with respect to the use of NEPOOL-GIS certificates, that language

⁶ R.I. Gen. Laws § 42-35-8(a) provides that "a person may petition an agency for a declaratory order that interprets or applies a statute administered by the agency or states whether, or in what manner, a rule, guidance document, or order issued by the agency applies to the petitioner."

⁷ The Facilities' respective certification status is not at issue in this matter.

⁸ *State v. Poulin*, 66 A.3d 419, 423, The Rhode Island Supreme Court has "consistently have held that when a statute contains clear and unambiguous language, this Court interprets the statute literally and gives the words their plain and ordinary meanings." (citation omitted).

reflects the choice available to Obligated Entities between these two compliance mechanisms; it does not grant the Commission discretion to allow certificates from another tracking system to be used to meet RES obligations.⁹ Accordingly, when an Obligated Entity elects the certificate-based compliance pathway, the statute requires the use of NEPOOL-GIS certificates. Because the plain language of the statute limits compliance to NEPOOL-GIS certificates or ACPs, the Commission finds that the legislature did not intend for certificates recorded in another control area to be used for Rhode Island RES compliance. The Commission therefore declines the requested relief.

Accordingly, it is hereby

(25753) ORDERED:

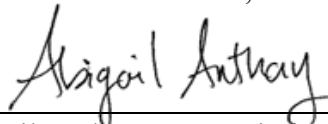
New York Generation Attribute Tracking System certificates associated with energy that was imported into ISO New England, but not minted in the NEPOOL-GIS may not be used by Obligated Entities for Renewable Energy Standard compliance.

EFFECTIVE AT WARWICK, RHODE ISLAND ON MAY 14, 2026, PURSUANT TO AN OPEN MEETING DECISION ON MAY 14, 2026. WRITTEN ORDER ISSUED JULY 21, 2026.

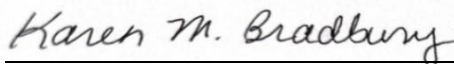
PUBLIC UTILITIES COMMISSION



Ronald T. Gerwatowski, Chairman



Abigail Anthony, Commissioner



Karen M. Bradbury, Commissioner

⁹ Power imported from adjacent control areas must still both settle into NEPOOL and have NEPOOL-GIS certificates associated with that power to qualify for RES compliance. (R.I. Gen. Laws § 39-26-5(c)).

NOTICE OF RIGHT OF APPEAL: Pursuant to R.I. Gen. Laws § 39-5-1, any person aggrieved by a decision or order of the PUC may, within seven days from the date of the order, petition the Rhode Island Supreme Court for a Writ of Certiorari to review the legality and reasonableness