

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 09-008

INDECK ENERGY-ALEXANDRIA, LLC

Application for Class I Renewable Energy Certification

REQUEST FOR CLARIFYING ORDER

Indeck Energy-Alexandria, LLC (Indeck), a biomass facility located in Alexandria, New Hampshire, moves the Commission pursuant to N.H. Code Admin. Rule Puc 203.07 and RSA 362-F to issue an order clarifying Indeck's eligibility to produce Class I RECs for the second calendar quarter of 2011 and thereafter.

1. On April 14, 2010, the Commission issued a letter certifying Indeck's eligibility to produce Class I RECs pursuant to RSA 362-F. On April 25, 2011, the N.H. Department of Environmental Services ("DES") reported to the Commission that Indeck exceeded the emissions limits for nitrogen oxides (NOx) during the first calendar quarter of 2011. *In re: Indeck Energy-Alexandria, LLC, Application for Class I Renewable Energy Certification, Order Nisi Suspending Certification*, Order No. 25,227 at 1 (June 2, 2011).

2. Based on this DES report, the Commission suspended Indeck's certification for energy production in the first quarter of 2011 and thereafter, until further ordered. *Id.* at 2.

3. By letter dated August 1, 2011, DES informed the Commission that Indeck "now meets the 0.075 lb/MMBtu NOx emission rate for the [second quarter 2011] as required by statute (RSA 362-F) and is once again eligible for second quarter 2011." Exhibit A.

4. DES has since filed two reports dated May 1, 2012, and August 6, 2012, that recommend certification of Indeck's facility. Exhibit B.

5. Although Indeck's facility has met the eligibility criteria to produce Class I RECs since the second quarter of 2011, an order clarifying Indeck's certification to produce Class I RECs has not yet been issued.

Accordingly, Indeck Energy-Alexandria, LLC requests that the Commission issue an order clarifying that Indeck's eligibility is no longer suspended under Order No. 25,227, and that Indeck is certified to produce New Hampshire Class I RECs effective beginning the second quarter of 2011.

Respectfully submitted,

Indeck Energy-Alexandria, LLC
By Its Attorneys,
OLSON & GOULD, P.C.

Date: September 27, 2012 By: David J. Shulock
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties listed on the attached service list pursuant to the requirements of Rule Puc 203.02 and 203.11.

Date: September 27, 2012 David J. Shulock
David J. Shulock, Esq.

SERVICE LIST

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