

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 09-008

INDECK ENERGY-ALEXANDRIA, LLC

Application for Class I Renewable Energy Certification

Order *Nisi* Suspending Certification

ORDER NO. 25,172

November 23, 2010

On January 26, 2009, Conservation Services Group submitted an application requesting the certification of Indeck-Energy Alexandria, LLC (Indeck) to produce Class I Renewable Energy Certificates (RECs). The Indeck facility is a biomass facility located in Alexandria, New Hampshire. The application was made pursuant to RSA 362-F, the New Hampshire Electric Renewable Portfolio Standard Law. On April 14, 2010, the Commission issued a letter certifying the eligibility of the Indeck facility to produce Class I RECs.

On November 16, 2010, the New Hampshire Department of Environmental Services (DES) notified the Commission that the Indeck facility exceeded the statutory limits for nitrogen dioxide (NOx) emissions during the third calendar quarter for 2010. Pursuant to New Hampshire Code Admin. Rules Puc 2505.04(f), the Commission shall, after notice and opportunity for hearing, suspend the certification of a generation facility that uses biomass as its primary fuel for a calendar quarter if the facility has failed to comply with the requirements of RSA 362-F:12, I, II or III regarding stack testing and emissions limits for particulate matter and NOx.

Based on DES' notification, the Commission will suspend the eligibility of the Indeck facility to produce Class I RECs for the third quarter of 2010 and until further ordered. We issue this decision on a *nisi* basis to provide Indeck or any other interested party with an opportunity for a hearing consistent with the requirements of Puc 2505.04(f). The Commission will notify the Administrator for the New England Power Pool Generation Information System of the suspension on the effective date below.

The petition and subsequent docket filings, other than information for which confidential treatment is requested or granted by the Commission, is posted to the Commission's website at www.puc.nh.gov.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, the certification of Indeck-Energy Alexandria, LLC to produce Class I RECs pursuant to RSA 362-F is hereby **SUSPENDED**; and it is

FURTHER ORDERED, that the suspension shall apply to energy production in the third quarter of 2010 and until further ordered; and it is

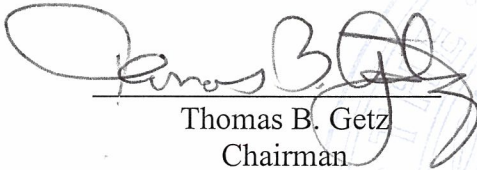
FURTHER ORDERED, that the Executive Director shall cause a copy of this Order *Nisi* to be published on the Commission's website no later than November 24, 2010; and it is

FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than November 30, 2010 for the Commission's consideration; and it is

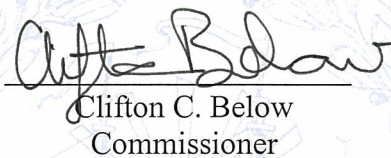
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than December 3, 2010; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective December 6, 2010, unless the Commission provides otherwise in a supplemental order issued prior to the effective date.

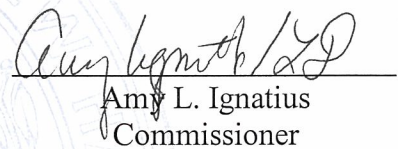
By order of the Public Utilities Commission of New Hampshire this twenty-third day of November, 2010.



Thomas B. Getz
Chairman

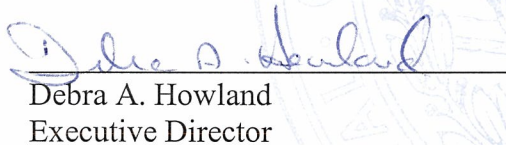


Clifton C. Below
Commissioner



Amy L. Ignatius
Commissioner

Attested by:



Debra A. Howland
Executive Director

TIMOTHY CHASE
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Docket #: 09-008 Printed: November 23, 2010

FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),

WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:

DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
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CONCORD NH 03301-2429