

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 09-104

SPRINGFIELD POWER, LLC

Application for Class I Renewable Energy Certification

Order *Nisi* Suspending Certification

ORDER NO. 25,173

November 23, 2010

On May 29, 2009, Springfield Power, LLC (Springfield) submitted an application requesting the certification of the Springfield facility to produce Class III (biomass) and Class I (new) Renewable Energy Certificates (RECs). The Springfield facility is a biomass plant located in Springfield, New Hampshire. The application was made pursuant to RSA 362-F, the New Hampshire Electric Renewable Portfolio Standard Law. On April 7, 2010, the Commission issued a letter certifying the eligibility of the facility to produce Class III RECs for production that began prior to January 1, 2006 and Class I RECs for the production in excess of its historical generation baseline that resulted from certain capital improvements made after January 1, 2006.

On November 17, 2010, the New Hampshire Department of Environmental Services (DES) notified the Commission that the Springfield facility failed to test for particulate emissions within the last year and, as a result, did not qualify to produce Class I or Class III RECs for the fourth quarter of 2010. In addition, DES reported that Springfield failed to make the requisite quarterly reporting with DES and the Commission. Pursuant to New Hampshire Code Admin. Rules Puc 2050.04 (f), the Commission shall, after notice and opportunity for hearing, suspend the certification of a generation facility that uses biomass as its primary fuel if

the facility has failed to comply with either the emissions limitations, stack testing or reporting requirements of RSA 362-F:12.

Based on DES' notification, the Commission will suspend the eligibility of the Springfield facility to produce Class I and Class III RECs beginning with the third quarter of 2010 and until further ordered. We issue this decision on a *nisi* basis to provide Springfield or any other interested party with an opportunity for 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 Springfield, LLC to produce Class III and Class I RECs pursuant to RSA 362-F is hereby **SUSPENDED**:

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

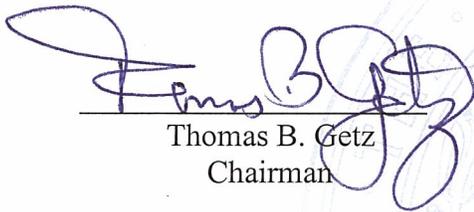
FURTHER ORDERED, that the Executive Director shall cause a copy of this Order *Nisi* to be published on the Commission's website no later than November 24, 2010; and it is

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

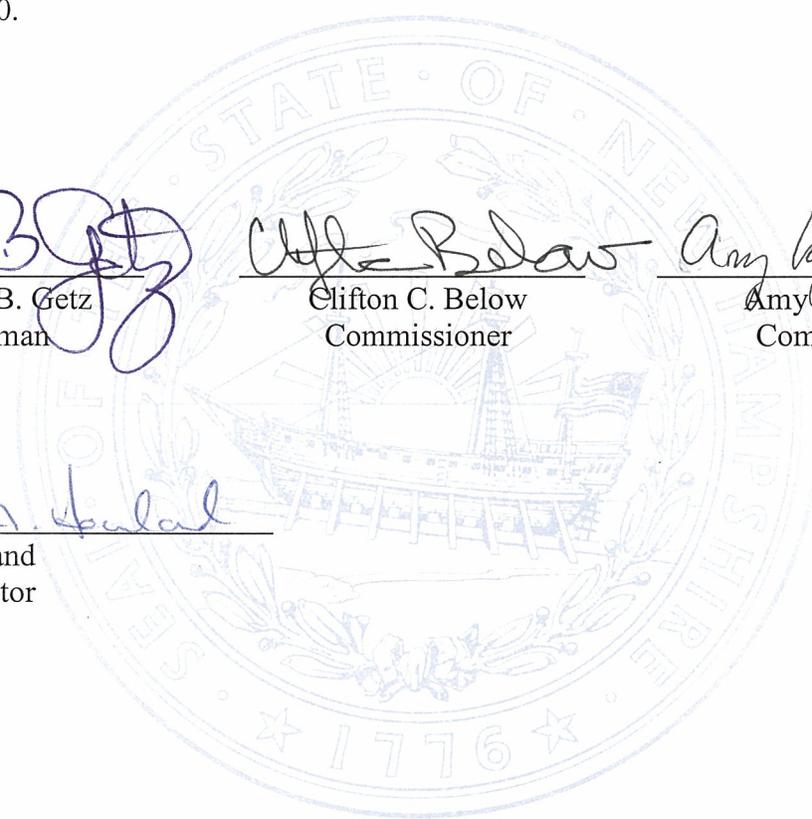


Amy L. Ignatius
Commissioner

Attested by:



Debra A. Howland
Executive Director



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FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),
WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:
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