


STATE OF NEW HAMPSHIRE


Intra-Department Communication

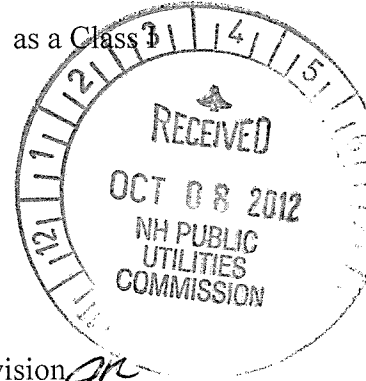
DATE: October 8, 2012
AT (OFFICE): NHPUC

FROM: Barbara Bernstein 
Sustainable Energy Analyst

SUBJECT: Re: DE 09-008, Indeck Energy-Alexandria Recertification as a Class I Renewable Energy Source Pursuant to RSA 362-F
Staff Recommends Eligibility be Reinstated

TO: Chairman Amy L. Ignatius
Commissioner Robert R. Scott
Commissioner Michael Harrington
Debra A. Howland, Executive Director and Secretary

CC: Jack K. Ruderman, Director of the Sustainable Energy Division 
Suzanne Amidon, Staff Attorney



Summary

On September 27, 2012, Olson & Gould PC Attorneys at Law requested a Clarifying Order for Indeck Energy-Alexandria, LLC (Indeck), a biomass facility located in Alexandria, New Hampshire, concerning Indeck's eligibility to produce Class I RECs for the second calendar quarter of 2011 and thereafter pursuant to RES 362-F. Staff recommends Commission recertification of this facility as a Class I renewable energy source effective April 1, 2011.

Analysis

On April 14, 2010, the Commission issued a letter certifying Indeck's eligibility to produce Class I renewable energy credits (RECs) pursuant to RSA 362-F. On April 25, 2011 the New Hampshire 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 2011¹. Based on this DES report, the Commission suspended Indeck's certification for energy production in the first quarter 2011 and thereafter, until further ordered.

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. DES has filed two additional reports dated May 1, 2012 and August 6, 2012, that recommend certification of Indeck's facility. Due to a transition in staffing within the Sustainable

¹ Indeck Energy-Alexandria, LLC, Application for Class I Renewable Energy Certification, Order Nisi Suspending Certification, Order No. 25,227. (June 2, 2011).

Energy Division, no action was taken when the DES letters were filed with the Commission.

Recommendation

Staff has reviewed the Indeck request for a clarifying order and recommends that the Commission issue an order clarifying that Indeck's eligibility be reinstated and that Indeck is recertified to produce New Hampshire Class I RECs effective beginning the second quarter of 2011.