

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

**DE 010-195
PSNH**

**Petition for Approval of Power Purchase Agreement with
Laidlaw Berlin BioPower, LLC**

MOTION TO STRIKE PUBLIC STATEMENT OF INDECK ENERGY

NOW COMES Clean Power Development, LLC (“CPD”) and hereby motions the Commission to strike the letter sent by Indeck Energy Services, Inc. directly to Commissioners Getz , Below, and Ignatius and docketed in this proceeding as a Public Comment on March 11, 2011. In support hereof, CPD further says as follows:

1. Indeck Energy - Alexandria LLC, one of the Wood-Fired IIPs, is a full party intervenor in this proceeding. Indeck Energy - Alexandria LLC is owned by Indeck Energy Services, Inc.

2. The letter sent by Indeck Energy Services, Inc. directly to Commissioners Getz , Below, and Ignatius “oppose[s] the approval of the power purchase agreement between PSNH and Laidlaw Berlin BioPower, LLC.” This approval of this power purchase agreement is presently being deliberated by the Commission in this proceeding.

3. A copy of the letter from Indeck Energy Services, Inc. was not sent to any party in this proceeding.

4. As Indeck Energy Services, Inc. should know, an intervenor in a proceeding is prohibited by Puc 203.18 from making a Public Statement. See, Order No. 25, 192 at 3-4 (granting motion of Wood-Fired IIPs to strike public statement of Mel Liston). When CPD filed a letter earlier in the proceeding the Wood-Fired IPPs objected and the letter was struck. This filing now does here exactly what the Wood Fired IPPs previously claimed was wrong for CPD to do. Moreover, as a party, Indeck was obligated to raise these issues during the proceeding in a manner that would not seek to evade the due process of rights of the other parties. This after-the-fact filing flaunts Commission rules and is plainly unfair and inappropriate.

5. Moreover, the letter sent by Indeck Energy Services, Inc. directly to Commissioners Getz , Below, and Ignatius are *ex parte* communications prohibited by RSA 363:12, III and RSA 541-A:36.

6. Accordingly, the letter submitted by Indeck Energy Services, Inc. must be stricken from the record in this proceeding and any copies in the possession of the Commissioners should be destroyed.

WHEREFORE, CPD hereby respectfully requests the Commission to strike the letter submitted by Indeck Energy Services, Inc. from the record in this proceeding and to order such other and further relief as may be just and equitable.

Respectfully submitted,
CLEAN POWER DEVELOPMENT, LLC
By its Attorney


/s/ James T. Rodier

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Dated: March 7, 2011

Certification of Service

Pursuant to Rules Puc 203.02(2) and Puc 203.11, I have served copy of this Motion on each person identified on the commission's service list for this docket.

/s/ James T. Rodier