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August 13, 2010

Michael D. Ferguson  
Vice President  
Indeck Energy-Alexandria, LLC  
600 North Buffalo Grove Road  
Buffalo Grove, Illinois 60089

Re: DE 10-120, Indeck Energy-Alexandria, LLC  
Certification Application for Class III Eligibility Pursuant to RSA 362-F

Dear Mr. Ferguson:

On June 25, 2010, you submitted a request that the Commission perform a second review of your April 30, 2010 application requesting certification of the Indeck Alexandria biomass facility (Alexandria facility) as a Class III renewable energy facility. The Commission denied your request on June 14, 2010 noting that RSA 362-F:4, I (j) states, in relevant part, that production of electricity from a Class III or IV source that has begun operation as a new facility shall not qualify for Class III or Class IV RECs.

In your June 25<sup>th</sup> request, you argue that the Alexandria facility is eligible for Class III RECs inasmuch as Indeck purchased the biomass facility in 1997. You state that restarting the facility in 2008 after an investment of \$8.3 million to "bring the plant up to date" makes the Alexandria facility also eligible for Class I RECs under 362-F:4. You further argue that you have not found evidence that would support the position that a facility that "matches both standards must stay in the standard that was first chosen" or that a later start-up date would supersede an earlier start-up date for a facility with two start-up dates.

The Commission has considered your request and concludes, as it did in the first instance, that RSA 362-F:4, I(j) does not allow designation of your facility as Class III notwithstanding the facility's earlier operation from 1988 to 1994. Your 2009 application demonstrated that the recent investments in the plant meet the definition of a Class I renewable source. That being the case, as stated in RSA 362-F:4, I(j), "[s]uch production shall not qualify for class III or IV certificates." Therefore, your request to certify the Alexandria facility as eligible to produce Class III renewable energy certificates is denied.

Sincerely yours,

A handwritten signature in black ink that reads "Debra A. Howland".

Debra A. Howland  
Executive Director