

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

In re: Electric Renewable Portfolio Standard, RSA 362-F: 4, VI) Docket No. DE 13-021
Adjustments to Class III Renewable Portfolio Requirements)

**PETITION TO INTERVENE OF
BRIDGEWATER POWER COMPANY, L.P., PINETREE POWER, INC., PINETREE
POWER-TAMWORTH, INC., SPRINGFIELD POWER LLC, WHITEFIELD POWER &
LIGHT COMPANY, AND INDECK ENERGY -- ALEXANDRIA, LLC**

Pursuant to Admin. Rule Puc 203.17 and RSA 541-A:32, I(b), Bridgewater Power Company, L.P., Pinetree Power, Inc., Pinetree Power-Tamworth, Inc., Springfield Power LLC, Whitefield Power & Light Company, and Indeck Energy -- Alexandria, LLC request intervention in this proceeding. This petition rests upon the following grounds.

1. Bridgewater Power Company, L.P. ("Bridgewater"), Pinetree Power, Inc. ("PPI") Pinetree Power-Tamworth, Inc. ("PPTI"), Springfield Power LLC ("Springfield"), Whitefield Power & Light Company ("Whitefield"), and Indeck Energy -- Alexandria, LLC ("Alexandria") (collectively, the "Wood-Fired Plants") each has a principal place of business and operates a wood-fired small power production facility located respectively in Bridgewater, Bethlehem, Tamworth, Springfield, Whitefield, and Alexandria, New Hampshire.

2. On January 18, 2013 the New Hampshire Public Utilities Commission ("Commission") issued an order of notice commencing this docket pertaining to the renewable portfolio standard law, RSA 362-F, ("RPS") Class III requirements. The order states the docket's purpose is to consider adjustments to the Class III requirements under RSA 362-F: 4, VI, gather data on the potential output of Class III resources and demand from similar programs in other states, and to determine whether and how to adjust the Class III purchase percentage requirements, and if so, for what calendar years. RSA 362-F: 4, VI provides for the adjustment of

the Class III demand for renewable energy certificates (“RECs”) set by RSA 362-F: 3.

Adjustment of that demand has the ability to affect the sales price of Class III RECs. Similarly, determinations of REC supply and the adjustment of REC demand based upon such determinations can affect the Class III REC sales price.

3. N.H. Code Admin. Rules Puc 203.17 requires the Commission to grant petitions to intervene in accordance with the standards of RSA 541-A: 32. RSA 541-A: 32, I mandates intervention if a petitioner demonstrates that its "rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law." RSA 541-A: 32, I. Discretionary intervention is permitted under RSA 541-A: 32, II when the Commission determines "that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings." RSA 541-A:32, II; *see also In re: Public Service Company of New Hampshire, Reconciliation of 2009 Energy Service and Stranded Cost Recovery Charges*, 2010 N.H. PUC Lexis 70 at *2 (July 20, 2010) (Petitioners were granted intervention pursuant to RSA 541-A: 32, II, where the petitioners "raised certain issues that are relevant to this proceeding that [would] not necessarily be addressed by other parties and, in the Commission's discretion, [would] serve the purposes of justice if pursued.").

4. The PPI and PPTI wood-fired plants have been certified by the Commission as RPS Class III eligible facilities in dockets DE 08-024 and DE 08-051, respectively. Adjustment to the demand for Class III RECs and the determination of REC supply and its effect on the Class III REC demand adjustment will directly affect the substantial interests of PPI, and PPTI as eligible Class III REC sellers because it will affect the amount and price of the Class III REC product, each may sell.

5. The Alexandria wood-fired plant is certified by the Commission as a Class I RPS eligible facility in docket DE 09-008. Pursuant to Chapter 272, 2012 (which amended RSA 362-F: 4, I (j)) effective July 1, 2013, the Alexandria facility has the option to become a Class III eligible facility. Adjustment to the Class III demand for RECs and the determination of REC supply and its effect on the Class III REC demand adjustment will directly affect the substantial interests of Alexandria in exercising its option to become an eligible Class III REC seller because it will affect the amount and price of the Class III REC product it may sell.

6. The Springfield wood-fired plant was certified by the Commission as a Class III eligible facility in docket DE 09-104, but does not presently produce Class III RECs due to New Hampshire's RPS particulate matter emission requirements. At present, the Bridgewater and Whitefield wood-fired plants are not certified as eligible Class III RPS facilities. Springfield, Bridgewater, and Whitefield could become Class III eligible with additional capital investment in pollution control equipment needed to meet New Hampshire's RPS particulate matter emission requirements. These facilities sell RECs into the Class I Connecticut renewable portfolio standard program. These facilities have a substantial interest in determinations of REC supply and REC demand adjustment in the Class III RPS because those determinations affect the amount and price of the Class III REC product and hence directly affect their opportunity to become Class III eligible. As sellers of RECs in the Connecticut REC market, these facilities have a substantial interest in determinations of REC supply and REC demand adjustment in the Class III RPS because those determinations potentially affect the supply of RECs, and hence the price of RECs, in the Connecticut Class I market. This is the case because the Wood-Fired Plants are qualified as Class I Connecticut renewable portfolio standard facilities.

7. The fact that the: order of notice states a purpose of the docket is to gather data on the REC demand from programs in similar states, Commission presumably will use that data as an input in determining Class III demand, and Wood-Fired Plants either have the ability to sell or are selling RECs in the Connecticut market is further indication that the substantial interests of the Wood-Fired Plants will be affected by the REC supply and demand determinations of this docket.

8. Permitting intervention would also serve the interests of justice, given the market interactions of the individual state renewable portfolio standard programs, particularly the Class I Connecticut and the Class III RPS programs, and the participation of the Wood-Fired Plants in those markets.

9. The Wood-Fired Plants' timely intervention will not impair the prompt and orderly conduct of this proceeding.

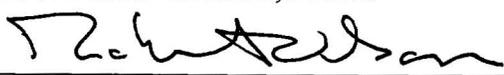
WHEREFORE, the Wood-Fired Plants respectfully request that they be permitted to intervene in this proceeding as full parties.

Respectfully submitted,
BRIDGEWATER POWER COMPANY, L.P.,
PINETREE POWER, INC.,
PINETREE POWER-TAMWORTH, INC.,
SPRINGFIELD POWER LLC,
WHITEFIELD POWER & LIGHT COMPANY and
INDECK ENERGY – ALEXANDRIA, LLC

By Their Attorney,

R. OLSON LAW OFFICE, PLLC.

Dated: 2-11-13

By: 
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CERTIFICATE OF SERVICE

I hereby certify that, on this date, I caused the attached Petition to Intervene to be filed in hand and electronically to the Commission and electronically, or by U.S. Mail, first class to the Service List in DE 13-021.

Date: 2-11-13



Robert A. Olson, Esq.