

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 09-008

INDECK ENERGY-ALEXANDRIA, LLC

Application for Class I Renewable Energy Certification

Order *Nisi* Suspending Certification

ORDER NO. 25,227

June 2, 2011

On January 26, 2009, Conservation Services Group submitted an application requesting the certification of Indeck Energy-Alexandria, LLC (Indeck), a biomass facility, to produce Class I Renewable Energy Certificates (RECs) pursuant to RSA 362-F, the New Hampshire Electric Renewable Portfolio Standard Law. RSA 362-F:4, I(j) provides that certain production from an existing biomass facility is eligible to produce Class I (new source) RECs if the facility can demonstrate capital investment directly related to restoring generation or increasing capacity and the facility meets the emissions standards of RSA 362-F:2, VIII. On April 14, 2010, the Commission issued a letter certifying Indeck's eligibility to produce Class I RECs.

On November 23, 2010, the Commission issued Order No. 25,172 suspending Indeck's eligibility for failing to meet emissions standards in the third calendar quarter of 2010 as reported by the N.H. Department of Environmental Services (DES). Based on a subsequent DES report, the Commission issued a secretarial letter, on March 17, 2011, recertifying Indeck as eligible to produce Class I RECs during the fourth calendar quarter of 2010.

On April 25, 2011, DES reported to the Commission that Indeck exceeded the emissions limits for nitrogen oxides (NO_x) during the first calendar quarter of 2011. Pursuant to N.H.

Code Admin. Rule Puc 2505.04(f), the Commission shall, after notice and opportunity for hearing, suspend the certification of a generation facility that uses biomass as its primary fuel for a calendar quarter if the facility has failed to comply with the requirements of RSA 362-F:12 regarding stack testing and emissions limits for particulate matter and NO_x.

Based on DES's report, the Commission will suspend the eligibility of the Indeck facility to produce Class I RECs for the first quarter of 2011 and thereafter, until further ordered. We issue this decision on a *nisi* basis to provide Indeck or any other interested party with an opportunity for a hearing consistent with the requirements of Puc 2505.04(f). The Commission will notify the Administrator of the New England Power Pool Generation Information System of the suspension on the effective date below.

The original application 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.

ORDERED *NISI*, that subject to the effective date below, the certification of Indeck Energy-Alexandria LLC to produce Class I RECs pursuant to RSA 362-F is hereby **SUSPENDED**; and it is

FURTHER ORDERED, that the suspension shall apply to energy production in the first quarter of 2011 and thereafter, 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 June 6, 2011; 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 June 13, 2011 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 June 20, 2011; and it is

FURTHER ORDERED, this Order *Nisi* shall be effective June 24, 2011 unless the Commission provides otherwise in a supplemental order prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this second day of June, 2011.



Thomas B. Getz
Chairman




Clifton C. Below
Commissioner



Amy L. Ignatius
Commissioner

Attested by:



Debra A. Howland
Executive Director