

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: APPLICATION FOR STANDARD CERTIFICATION DOCKET NO. 3849
AS ELIGIBLE RENEWABLE ENERGY RESOURCE
FILED BY INDECK MAINE ENERGY, LLC
– INDECK WEST ENFIELD

ORDER

WHEREAS, Effective January 1, 2006, the Rhode Island Public Utilities Commission ("Commission") adopted Rules and Regulations Governing the Implementation of a Renewable Energy Standard ("RES Regulations") including requirements for applicants seeking certification as an Eligible Renewable Energy Resource under the RES Regulations¹ pursuant to the Renewable Energy Act, Section 39-26-1 et. seq. of the General Laws of Rhode Island; and

WHEREAS, On June 4, 2007, Indeck Maine Energy, L.L.C., ("Applicant"), Authorized Representative: Stephen Galowitz c/o Ridgewood Power Management, LLC, 947 Linwood Avenue, Ridgewood, NJ, 07450, sgalowitz@ridgewoodpower.com filed with the Commission an application seeking certification for its Indeck West Enfield project, a 24.172 MW biomass project, as an eligible Existing Renewable Energy Resource under the State of Rhode Island RES Regulations ("Application"); and

WHEREAS, Pursuant to Section 6.0 and other relevant Sections of the RES Regulations, a thirty (30) day period for public comment was provided during which time, no such comments were received; and

¹ State of Rhode Island and Providence Plantations Public Utilities Commission Rules and Regulations Governing the Implementation of a Renewable Energy Standard – Date of Public Notice: September 23, 2005, Date of Public Hearing: October 12, 2005, Effective Date: January 1, 2006.

WHEREAS, On November 9, 2008, a request for supplemental information was issued by the Commission's consultant regarding the incremental production from capacity/efficiency improvements, and the review of the Application has been on hold because the Commission has been awaiting the submission of the supplemental information; and

WHEREAS, It has been over five (5) years since the submission of the Application; and

WHEREAS, Commission Staff and its consultant have determined that ownership has changed hands and that a new application for the project has been made by the current owner and that application is pending with the Commission in Docket No. 4340; and

WHEREAS, On June 13, 2013, at a duly noticed Open Meeting, the Commission considered the Application, determined that it has been pending for more than two years without approval based on an outstanding request from the Commission/its consultant for more information. The Commission found that the project has changed ownership. Therefore, the Commission rejected the pending Application on the basis that the Applicant no longer has control of the facility and another application is pending by the new owner. However, the Commission found that such a determination does not address the merits of the application nor does it affect the current owner's ability to have the project reviewed in Docket No. 4340. In the event of a future sale of the project prior to certification, a new owner may file a new application for Commission review.

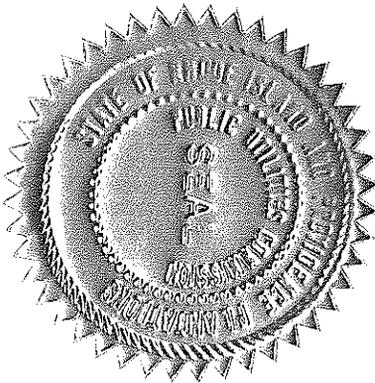
Accordingly, it is hereby

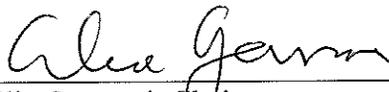
(21075) ORDERED:

- 1) That the Application for Certification as an eligible Existing Renewable Energy Resource under the State of Rhode Island RES Regulations submitted by Indeck Maine Energy, L.L.C. for its Indeck West Enfield project in West Enfield, MA (GIS # MSS 455), is hereby denied without prejudice on the basis that the Applicant did not complete the application process in a timely manner and that ownership has changed.
- 2) This Order does not make a determination of whether the Project would meet the eligibility requirements under the State of Rhode Island Renewable Energy Standard and therefore, the Commission will continue to review the application submitted by the new owner of the Project in Docket No. 4340.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON JUNE 13, 2013 PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED JUNE 20, 2013.

PUBLIC UTILITIES COMMISSION




Elia Germani, Chairman


Mary E. Bray, Commissioner


Paul J. Roberti, Commissioner

NOTICE OF RIGHT OF APPEAL PURSUANT TO R.I.G.L. SECTION 39-5-1, ANY PERSON AGGRIEVED BY A DECISION OR ORDER OF THE COMMISSION MAY, WITHIN SEVEN DAYS (7) DAYS FROM THE DATE OF THE ORDER, PETITION THE SUPREME COURT FOR A WRIT OF CERTIORARI TO REVIEW THE LEGALITY AND REASONABLENESS OF THE DECISION OR ORDER.