

# **EXHIBIT 1**

# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL  
TEN FRANKLIN SQUARE  
NEW BRITAIN, CT 06051

DOCKET NO. 07-07-31RE01    APPLICATION OF SUEZ ENERGY NA FOR  
QUALIFICATION OF PINETREE POWER, INC. AS  
A CLASS I RENEWABLE ENERGY SOURCE

May 14, 2008

By the following Commissioners:

Anthony J. Palermino  
John W. Betkoski, III  
Donald W. Downes

## DECISION

### I. INTRODUCTION

#### A. BACKGROUND OF THE PROCEEDING

In the Decision dated September 12, 2007 in the instant docket, the Department issued a Connecticut Renewable Portfolio Standard Registration Number CT00218-07 after finding that the Pinetree Power, Inc. (Pinetree) generating facility qualifies as a Class II renewable energy source as a biomass facility.

On April 1, 2008, Pinetree filed a Motion to Reopen Docket that included a modified air permit and emissions data for the Department's consideration for its Class I determination. On April 16, 2008, the Department reopened the Docket and the instant proceeding for the purpose of determining Pinetree's current Connecticut RPS status.

#### B. CONDUCT OF THE PROCEEDING

A hearing in this matter is not required; and none was held.

**C. PARTICIPANTS**

The Department recognized Pinetree Power, Inc., 1241 Whitefield Road, Bethlehem, NH 03574; and the Office of Consumer Counsel (OCC), Ten Franklin Square, New Britain, Connecticut 06051, as Participants to this proceeding.

**II. PETITIONER'S EVIDENCE**

On April 1, 2008, Pinetree submitted supplemental emissions data (Supplemental Data) in support of its Application for qualification as a Class I renewable energy source. It stated that the installation of its new pollution control equipment was completed on March 24, 2008, and supplied an assertion and supporting data that demonstrates that Pinetree's NOx emissions met the maximum statutory rate of 0.075 pounds of NOx per million BTU on March 28, 2008. Supplemental Data 4/1/08, pp. 1 and 2. Pinetree's submission also included a Temporary Permit No. TP-B-0542 dated March 17, 2008 (New Permit) from the State of New Hampshire Department of Environmental Services that amended its existing Air Resources Division permit to include the installation of Selective Non-Catalytic Reduction (SNCR) and Selective Catalytic Reduction (SCR) systems on its wood-fired boiler for the purpose of improving its NOx and other pollution emissions from its operations. Temporary Permit filed with Supplemental Data 4/1/08.

**III. DEPARTMENT ANALYSIS**

The Department reviewed Pinetree's Supplemental Data and finds that the March 28, 2008 NOx emissions per MMBTU equals .048 lbs, an amount less than the .075 lbs/MMBTU limit required by § 16-1(a)(26) of the General Statutes of Connecticut (Conn. Gen. Stat.) for qualification as a Class I renewable energy source. Supplemental Data, p. 2. The Department also noted the New Permit includes Pinetree's new emissions controls.

Based upon the information provided by Pinetree on April 1, 2008, the Department finds that Pinetree has demonstrated that the Pinetree Facility meets the NOx emissions compliance standard for classification as a Class I renewable energy source.

**IV. FINDING OF FACT**

1. Pinetree Facility's NOx emissions for March 28, 2008 is less than 0.075 pounds of NOx per million BTU of heat input.

**V. CONCLUSION AND ORDER****A. CONCLUSION**

Based on the evidence submitted, the Department finds that Pinetree Facility qualifies as a Class I renewable energy source pursuant to Conn. Gen. Stat. § 16-1(a)(26) effective the second calendar quarter of 2008 .

The Department assigns each renewable generation source a unique Connecticut RPS registration number. Pinetree Facility's Connecticut RPS registration number continues as CT00218-07, however, it is now designated as a Class I Connecticut RPS registration number.

The Department's determination in this docket is based on the information submitted by Pinetree. The Department may reverse its ruling or revoke the Applicant's registration if any material information provided by the Applicant proves to be false or misleading. The Department reminds Pinetree that it is obligated to notify the Department within 10 days of any changes to any of the information it has provided to the Department.

**B. ORDER**

1. Within 45 days after the end of each calendar quarter, Pinetree shall file with the Department an affidavit and supporting documentation showing that the average emission rate of its facility is equal to or less than the threshold level for Class I renewable qualification.

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31RE01 QUALIFICATION OF PINETREE POWER, INC. AS A  
CLASS I RENEWABLE ENERGY SOURCE

This Decision is adopted by the following Commissioners:

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Anthony J. Palermino

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John W. Betkoski, III

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Donald W. Downes

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.

*Louise E. Rickard*

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Louise E. Rickard  
Acting Executive Secretary  
Department of Public Utility Control

May 15, 2008

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Date