

ORDER NO. 83517

IN THE MATTER OF THE APPLICATION OF ENERGY ANSWERS INTERNATIONAL, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A 120 MW GENERATING FACILITY IN BALTIMORE, MARYLAND	* * * *	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND _____ CASE NO. 9199 _____

To: Parties of Record and Interested Persons

On July 8, 2010, the Hearing Examiner issued a Proposed Order (“Proposed Order”) in this matter. Among other things, the Proposed Order: (1) granted a Certificate of Public Convenience and Necessity (“CPCN”) to construct a power plant in Baltimore City, Maryland; (2) incorporated conditions to ensure compliance with all applicable regulatory standards and requirements related to the environment; and (3) set August 10, 2010 as the date on which the Proposed Order was to become a final Order of the Public Service Commission (“Commission”). On July 23, 2010, the Maryland Departments of the Environment (“MDE”) and Natural Resources, Power Plant Research Program (“PPRP”) filed a Motion to Amend the Proposed Order and Notification of Settlement. The Commission hereby takes the Proposed Order and pending motion up on its own motion, grants MDE/PPRP’s Motion to Amend, and issues this Final Order.

On May 22, 2009, an Application was filed by Energy Answers International, LLC (“EA” or “Applicant”) requesting a CPCN to construct a 120 MW Generating Facility on a 90 acre site owned by FMC Corporation located at 1701 East Patapsco Avenue in Baltimore City. The power plant will be known as the Fairfield Renewable Energy Project (“The Project”). EA proposes to construct a power plant that is designed to combust an average of

4,000 tons per day of fuels produced from non-hazardous waste materials. The Project will utilize processed refuse fuel derived from municipal solid waste, as well as automotive shredder residue, processed urban wood waste and tire chips as a combustion fuel to produce steam and electricity.

The Commission delegated this matter to the Hearing Examiner Division and at the pre-hearing conference held on July 13, 2009, the Hearing Examiner granted a request for expedited review and waiver of the two-year notice requirement in Public Utility Companies Article, § 7-208 (b)(2), *Annotated Code of Maryland* as requested in the Application. On July 8, 2010, a Proposed Order of Hearing Examiner was issued in this proceeding. As the remainder of the procedural history before the Hearing Examiner is accurately summarized by the Proposed Order it will not be repeated in this Order.

In the Proposed Order, the Hearing Examiner noted that a Motion for Reconsideration of his denial of intervention on June 23, 2010 was filed on June 25, 2010 with the Commission by Clean Water Action, Chesapeake Climate Action Network, Environment Maryland and Linda and Terry Stewart. The Hearing Examiner also noted that the Motion for Reconsideration was pending a ruling by the Commission.

On July 23, 2010, MDE/PPRP filed a Motion to Amend Proposed Order (“Motion”) and Notification of Settlement. The Commission’s Technical Staff and the Office of People’s Counsel, on July 23, 2010 and July 26, 2010, respectively, filed notices that they did not oppose the Motion nor would they appeal the July 8, 2010 Proposed Order. EA also filed on July 23, 2010, a Request for Immediate Issuance of Final Order, noting that no party opposed the Motion and that no party intended to appeal the Proposed Order.

The Commission has reviewed the Proposed Order, the Motion to Amend the Proposed Order and Notification of Settlement, and the Request for Immediate Issuance of Final Order. As a result of this review, the Commission determined that the Proposed Order should be modified to incorporate the conditions filed by MDE/PPRP and agreed to by the Applicant in the Settlement Agreement and Consent Order attached to the July 23, 2010 Motion. The Commission accepts the revised conditions provided in the Motion to Amend Proposed Order. Additionally, the Commission has considered the Motion for Reconsideration of the Hearing Examiner's denial of intervention filed by Clean Water Action, Chesapeake Climate Action Network, Environment Maryland and Linda and Terry Stewart on June 25, 2010 and, for the reasons stated in the Proposed Order, affirms the ruling of the Hearing Examiner denying intervention.

IT IS THEREFORE, this 6th day of August, in the year of Two Thousand and Ten by the Public Service Commission of Maryland,

ORDERED: (1) That the Proposed Order of Hearing Examiner is hereby modified to incorporate the conditions filed by Maryland Department of the Environment and the Maryland Department of Natural Resources, Power Plant Research Program and agreed to by the Applicant in the Settlement Agreement and Consent Order attached to the July 23, 2010 Motion, and that the Certificate of Public Convenience and Necessity granted in this Order is subject to the licensing Conditions contained in Attachment "A";

(2) That the Hearing Examiner's denial of a request for intervention filed by Clean Water Action, Chesapeake Climate Action Network, Environment Maryland and Linda and Terry Stewart is hereby affirmed; and

(3) That, except as modified by this Order, the Proposed Order of Hearing Examiner is hereby affirmed and becomes a final Order of the Commission effective August 6, 2010.

By Direction of the Commission,

/s/ Terry J. Romine

Terry J. Romine
Executive Secretary