

May 16, 2017

Via Electronic Mail and Federal Express Delivery

Todd Anthony Bianco, EFSB Coordinator
RI Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

Re: Invenergy Thermal Development LLC's Application to Construct and Operate the Clear
River Energy Center in Burrillville, Rhode Island
Docket No.: SB-2015-16

Dear Mr. Bianco:

On behalf of Invenergy Thermal Development LLC and the Clear River Energy Center Project ("Invenergy"), enclosed please find an original and three (3) copies of "Invenergy's Preliminary List of Witnesses – Summaries," which supplements Invenergy's previous response to the Town of Burrillville's ("Town's") Data Request, No. 26-1. These summaries are preliminary and subject to revisions and changes to coordinate with the Board's procedures and its schedule on Pre-Filed Testimony

It is Invenergy's understanding that the Town will be withdrawing its "Motion to Preclude Expert Testimony from Invenergy or, in the Alternative, to Compel Complete Data Responses," filed with the Energy Facility Siting Board on April 24, 2017.

Please let me know if you have any questions.

Very truly yours,



ALAN M. SHOER
ashoer@apslaw.com

Enclosures

cc: Service List

Invenergy's Preliminary List of Witnesses – Summaries¹

John Niland, as the development director and representative for Invenergy Thermal Development LLC (“Invenergy”), plans to testify providing an overview of the Clear River Energy Center project (“CREC” or “Project”), as well as testimony to support the pending Application as supplemented, explaining how the project meets the requirements of the EFSB statute including but not limited to the need for new, clean and efficient electric generation in the region. Mr. Niland will describe the overall design of the facilities, and the required resources (electric transmission, supply of fuels, supply of water). Mr. Niland will explain the many benefits of the Project that are anticipated, including but not limited to economic growth opportunities, reduced carbon and other emissions, ratepayer savings, minimal use of water resources, support to the growing renewable energy market, compliance with other applicable laws and state policies and planning, or where necessary, request for Board waiver. Mr. Niland will describe steps the Project has taken to respond to concerns and issues raised by other Parties and the public in order to mitigate environmental or other impacts or concerns. Mr. Niland will describe the agreements reached with the Town with regard to taxes, project decommissioning and a property value guarantee plan. Mr. Niland, relying on his experience in the industry, the pending application as supplemented, the analysis and data provided in response to data questions and agency opinions, plans to opine that operation of CREC will meet the energy needs of the state, as justified by long term state and/or regional energy need forecasts. Mr. Niland will also opine that the energy produced will be at the least possible cost to the consumer consistent with the objective of ensuring that the construction, operation and decommissioning of the Project shall conform to existing laws and regulations. Mr. Niland also plans to testify that the Project will support the priority criteria in the Energy Facility Siting Act, namely – using natural gas as a primary fuel while further supporting the growing renewable energy industry; maximizing efficiency as the cleanest, most efficient natural gas project in the region; using low levels of high quality water; utilizing existing energy and support facility infrastructure; producing low levels of air emissions; producing low levels of wastewater discharge; producing low levels of solid waste; and having a dual fuel capability. Mr. Niland will opine that the Project is necessary to meet the needs of the state and/or region, that the Project will be cost justified and be accomplished in compliance with all of the requirements of the laws, rules, regulations, and ordinances, under which, absent the Act, a license would be required or if not where a Board waiver is requested.

Michael Feinblatt, Vice President and Practice Leader for the Energy and Industrial Services Department at ESS Group, Inc., plans to testify regarding CREC’s environmental impacts and mitigation efforts and plans with respect to air emissions, oil storage and usage, ammonia usage, and responding to public health concerns. Mr. Feinblatt will testify in support of the Major Source Permit Application and the studies performed in support of the air permit application, pending with RIDEM. He also plans to respond to questions regarding general environmental concerns relating to the Project, plans for mitigation and to provide an update on Project permitting. Mr. Feinblatt, relying on his experience and expertise, the application materials as supplemented, including but not limited to the Major Source Permit and applicable addenda, the

¹ In accordance with the Energy Facility Siting Board Rules of Practice and Procedure, this list is subject to revisions and changes to coordinate with the Board’s procedures and its schedule on Pre-Filed Testimony. Invenergy reserves the right to revise the summaries and present additional witnesses where it deems necessary, in conformance with the Board’s procedural schedule, and to rebut any future presentation by other witnesses or to respond to concerns raised as the proceedings move forward.

analysis supporting the permit applications and prepared in response to data requests and agency opinions, will opine that the Project as designed with regard to CREC's air emissions, oil storage and usage and ammonia and other chemical storage will conform to applicable laws and regulations so as to protect the public health, and that the Project will not cause unacceptable harm to the environment.

Ryan Hardy, a member of PA Consulting Group's Management Group, plans to testify regarding his analysis of the regional wholesale energy market, the economic impact of CREC, including but not limited to the need and cost-justification and anticipated ratepayer savings for CREC. Mr. Hardy's testimony plans to discuss the need for CREC in the ISO-NE market, the ratepayer savings achieved because of CREC, the emissions reductions expected in the region that will result from CREC, the compliance with other state and regional carbon emissions programs and the positive economic impacts on the Rhode Island economy expected, due to the jobs and anticipated ratepayer savings that will be created if CREC is constructed. Mr. Hardy will also be available to answer questions regarding the Invenenergy application as it relates to the data inputs used by PA Consulting Group and the analysis provided in the memoranda and information provided in the application or in response to data questions, created by PA Consulting Group working with Invenenergy and its experts and consultants, including (as to economic benefit modeling) Professor Tebaldi. In addition, Mr. Hardy will update his previous testimony to include an analysis that will incorporate the latest results for the recent Forward Capacity Auction and data released by the ISO/NE. Mr. Hardy, relying on his experience and expertise in analyzing energy markets, and the materials provided in support of the Application and the analysis he performed, along with PA Consulting Group's responses to data requests, plans to opine that the Project will meet the energy needs of the state, as justified by long-term state and/or regional energy need forecasts; that the energy produced will be at the least possible cost to the consumer; that the Project will support the priority criteria in in the EFSB law, namely – using natural gas as a primary fuel while further supporting the growing renewable energy industry; maximizing efficiency as the cleanest most efficient natural gas project in the region; utilizing existing energy and support facility infrastructure; producing low levels of air emissions; and having a dual fuel capability in order to meet the needs of the ISO/NE for wholesale supply of electricity to the state and region. Mr. Hardy will also opine that the Project complies with State and Regional Policies and Programs, such as the Regional Greenhouse Gas Initiative ("RGGI") and the Resilient Rhode Island Act.

Edinaldo Tebaldi, an associate Professor of Economics at Bryant University, plans to testify regarding CREC's economic impact analysis in support of the application. He plans to testify concerning the jobs and economic development opportunities anticipated by the Project, and to explain the results of the analysis and models used to predict the economic impacts and benefits of the Project. Mr. Tebaldi, relying on his expertise in economics and economic models, the materials provided in the application and the analysis he performed and responses to data requests, plans to opine that CREC will have a significant positive impact on Rhode Island's employment, earnings and economic output, enhancing the socioeconomic fabric of the state.

Jeffrey Hershberger, a professional geologist for ESS Group, Inc., plans to testify regarding the existing geology, soils and groundwater and surface water conditions. Mr. Hershberger plans to testify regarding CREC's environmental impact to topography and geology and describe impacts of the construction and operation of CREC as relates to ground and surface water resources in the vicinity of CREC. Mr. Hershberger, relying on his experience and expertise,

the materials provided in support of the application as supplemented, the materials prepared by ESS and HDR, Inc. relating to the design and infrastructure of CREC and his own analysis, plans to opine that CREC not cause unacceptable harm to the geology and ground and surface water resources in the vicinity of CREC.

Jason Ringler, a senior scientist for ESS Group, Inc., plans to testify regarding the analysis conducted by Invenergy and ESS Group, Inc. with regard to areas of the Project identified as wetlands and the data regarding habitat and species related to the Project location. Mr. Ringler plans to testify regarding the existing wetland habitat and the analysis provided in the application, the Wetlands Addendum filed with the EFSB and the Wetlands Permit Application pending review at RIDEM. Mr. Ringler plans to testify regarding the environmental impacts of the Project with regard to wetlands and other habitat concerns and to describe Invenergy's wetlands mitigation efforts and CREC's consistency with the RIDEM Rules and Regulations governing freshwater wetlands. Mr. Ringler, relying on his experience and expertise, the materials provided in support of the Application, relevant rules and regulations and Invenergy's Application to Alter Freshwater Wetlands, plans to opine that CREC will produce the fewest possible adverse effects on wildlife and wetland resources and thereby not cause unacceptable harm to the environment.

George Bacon, a Senior Project Manager for Energy and Industrial Services at ESS Group, Inc., plans to testify regarding CREC's environmental matters, specifically describing and analyzing CREC Revised Water Supply Plan filed with the Board on January 11, 2017, projected water usage, anticipated water balances, features incorporated to reduce overall water use, planned wastewater recycle methods and plans for removal and off-site treatment and disposal of wastewater from the facility. Mr. Bacon also plans to testify regarding the source of the water supply and equipment planned to treat the water supplied to the Project, as described in the Revised Water Supply Plan. Mr. Bacon, relying on his experience and expertise, the materials provided in support of the application as supplemented, responses to data requests, and the Revised Water Supply Plan, will opine on the Project's efforts of maximizing water use efficiency. Mr. Bacon will opine that the planned water resources will efficiently support the facility water requirements and that CREC will produce low levels of wastewater for off-site treatment and disposal. Mr. Bacon plans to opine that the Revised Water Supply Plan will not cause unacceptable harm to the environment.

Jim Riordan, a project manager for the Water and Coastal Engineering Department at ESS Group, Inc., plans to testify regarding CREC's environmental impacts, focusing on the plans for the management of stormwater, as described in the stormwater management plan and analysis in the application, as further described in support of the applications for permits with RIDEM, as part of the Wetlands Alteration and RIDEM Stormwater and Water Quality Permit applications. Mr. Riordan will describe the stormwater permitting process for CREC. Mr. Riordan will also describe the soil erosion and sediment control plan that is pending review with RIDEM and reviewed by the local building inspector when completing is advisory opinion. Further, Mr. Riordan will explain CREC's mitigation efforts with regard to the stormwater control plans for the Project.

Michael Hankard, owner and President of Hankard Environmental, Inc., an acoustical consulting firm, plans to testify regarding the noise analyses performed on the Project and the surrounding area. Specifically, he plans to explain the noise evaluation studies performed with regard to noise and the Town of Burrillville's Noise Ordinance. He also plans to address or

respond to concerns raised by the Town of Burrillville's Planning Board and Zoning Board Advisory Opinions and other Advisory Opinions as it relates to noise concerns. Mr. Hankard, relying on his experience and expertise, the application as supplemented, his studies and analysis performed, responses to data requests and agency opinions, applicable ordinances of the Town of Burrillville, and relevant analysis he conducted, plans to opine that CREC has been designed with an extensive set of noise mitigation measures such that it meets the Town's stringent 43 dBA noise limit, and that the noise generated by the CREC Project will conform to applicable laws and regulations and will thereby not cause unacceptable harm to the environment or the public health.

William Bailey, a principal scientist in the Center for Occupational and Environmental Health Risk Assessment Department at Exponent, Inc., plans to testify regarding the electric and magnetic field ("EMF") analysis conducted for the Project, as described in the application and in response to data questions. Specifically, he plans to testify regarding Exponent's modeling of the EMF associated with the new CREC line. Mr. Bailey, relying on his experience and expertise, the application as supplemented, the relevant literature and national health agency reviews, EMF modeling prepared by Exponent and Invenergy's responses to relevant data requests and agency opinions, plans to opine that CREC's levels of electric and magnetic fields will not cause unacceptable harm to the environment or to the public health.

Christopher Donta, a Senior Principal Investigator of Gray and Pape, Inc., plans to testify regarding Gray & Pape's analysis and studies provided in the application with regard to cultural and archeological survey performed on the CREC project location. He will describe his findings as it relates to the Project on cultural and historic properties. He will also be available to testify regarding the Rhode Island Historical Preservation and Heritage Commission's Advisory Opinion and other concerns raised regarding CREC. Mr. Donta, relying on his experience and expertise, the application as supplemented, his analysis, surveys and testing and relevant rules and regulations, the cultural analysis supplied with the RIDEM application for alteration of wetlands, plans to opine that the Project will not cause unacceptable harm to any significant cultural or historic properties.

Maureen Chlebek, a traffic engineer and General Manager at McMahon Associates, plans to testify regarding the traffic analysis conducted for CREC and CREC's traffic impacts and to respond to concerns raised by the Parties and in response to concerns raised during the agency review process. Specifically, she plans to testify in support of the Traffic Impact Analysis provided to the Board dated May 2016. She also plans to testify in support of the traffic analysis conducted for the Revised Water Supply Plan. Ms. Chlebek, relying on the application as supplemented, her analysis and traffic studies, relevant rules and regulations of RIDOT, including the updated traffic matters associated with the Revised Water Supply Plan, plans to opine that CREC will not produce significant adverse effects on the quality of the state's roads and bridges and thereby not cause unacceptable harm to the traffic safety environment.

Robert Smith, a traffic engineer and Project Manager at McMahon Associates, plans to testify regarding his road condition analysis conducted for the Project. Specifically, he plans to testify regarding what if any impact CREC would have on road conditions in the Town, and he plans to testify regarding the traffic impact studies conducted for CREC, as well as the expected truck route utilized during construction and transporting water trucks to the site. Mr. Smith, relying on his experience and expertise, the application, materials in support of the application as

supplemented, his analysis and review of road conditions along the planned routes, relevant rules and regulations of RIDOT, and the updated traffic analysis in the Revised Water Supply Plan, plans to opine that CREC will not produce significant adverse effects on the quality of the state's roads and bridges and thereby not cause unacceptable harm on road conditions, or the traffic safety environment.

Gordon Perkins, a Senior Project Manager at Environmental Design and Research, Landscape, Engineering & Environmental Services, D.P.C., plans to testify regarding the visual/aesthetic impacts associated with the Project, with regard to the design plans of the Project as proposed. Mr. Perkins, relying on his experience and expertise, the application as supplemented, and the visual analysis, plans to opine that the Project's visual impacts will be minimal and that the Project will not cause unacceptable harm to the visual environment or the public.

Edward Pimentel, President of Pimentel Consulting, Inc. and an experienced land use planner, plans to testify regarding CREC's compliance with the Town of Burrillville's Comprehensive Plan and the State of Rhode Island's State Guide Plan as it relates to the Project. He will testify regarding the advisory opinions of the Town Planning and Zoning Boards, Town Building Inspector and Statewide Planning. Mr. Pimentel, relying on his experience and expertise, the application as supplemented, the data responses and information provided to the agencies for their advisory opinions, the Town of Burrillville's Ordinances, the Town of Burrillville's Comprehensive Plan, the Rhode Island State Guide Plan, plans to opine that CREC complies with the Town's Comprehensive Plan and the State Guide and will thereby support the goals expressed in these land use plans and will be in conformance with local and statewide planning requirements. Additionally, relying on his experience and expertise, the site plan documents filed in support of the application, Mr. Pimentel will opine that the Project site will meet the requirements and ordinances of the Town or if not where a waiver will be required.

Michael S. MaRous, is the President and Owner of MaRous and Company. Mr. MaRous is also a licensed real estate broker. Mr. MaRous plans to testify regarding CREC's impact on the residential property values of properties near the Project. Mr. MaRous will explain the methodology employed to create a market impact study which has been previously filed with the Board. He will testify and explain the market impact study findings. Mr. MaRous, relying on his experience and expertise, the application as supplemented, and his market impact analysis, plans to opine that CREC Project will not negatively impact the property values in the neighborhood where CREC is to be located or to residential properties in the general vicinity.

Richard Lipsitz, a Professional Land Surveyor and the President of Waterman Engineering Company, plans to testify regarding site surveys conducted of the CREC site. Mr. Lipsitz conducted a boundary survey and conducted topographic surveys on portions of the properties where development of the CREC project is proposed. Mr. Lipsitz, relying on his experience and expertise, the site plan documents filed in support of the application, and his site survey, will opine that his survey was performed in compliance with all required standards that apply to a Rhode Island land survey.

John C. Carter, owner and principal landscape architect at John C. Carter & Company, Inc., plans to testify regarding the architectural design of the entrance to CREC. He is a registered

landscape architect in Rhode Island, Massachusetts and Connecticut. Mr. Carter will further describe CREC's landscape architectural drawings and proposals. Relying on his experience and expertise, Mr. Carter plans to opine that the landscape design for the entrance to the Project will not cause unacceptable harm to the environment or the public.

Chad Jacobs, a Project Manager for HDR, Inc., plans to testify regarding his analysis of CREC's environmental impacts, focusing on stormwater and soil erosion. Mr. Jacobs will describe the stormwater plans for the Project and the existing geology, soils and topography of the Project's location. He will describe his preparation and analysis of CREC's Stormwater Management System and the RIDEM permitting process. Mr. Jacobs will further describe the analysis described in the CREC's Soil and Sediment Control Plan. Mr. Jacobs, relying on his experience and expertise, the application as supplemented, and the analysis prepared for the stormwater and soil/sediment control plans as filed with RIDEM, plans to opine that Invenergy's stormwater management plans and the soil erosion and sediment control plans will be in conformance with applicable laws and regulations and will thereby not cause unacceptable harm to the environment.

Keith MacDonald, P.E., a Senior Project Engineer for Pare Corporation, plans to testify regarding the Physical Alteration Permit application that is pending with RIDOT. He will describe the plans for a new driveway access to the Project site as consistent with the rules and requirements for RIDOT permit application. Mr. MacDonald, relying on his experience and expertise, the application as supplemented, relevant RIDOT rules and regulations, and information submitted to RIDOT, plans to opine that the RIDOT permit application will be in conformance with all relevant RIDOT rules and regulations.

Trevor Hollins, P.E., the Lighting Design Manager for HDR, Inc., plans to testify regarding the lighting analysis for the Project. He will describe the lighting plans prepared for CREC and the analysis prepared regarding the Project. Mr. Hollins, relying on his experience and expertise, the Application as supplemented, and lighting analysis conducted, plans to opine that CREC's lighting design will not cause unacceptable harm to the environment or the public in terms of visual impacts.