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April 25, 2017

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

Re: National Grid and Clear River Energy's Joint Application for the Burrillville
Interconnection Project – Docket No. SB-2017-01

Dear Dr. Bianco:

This office is Special Counsel to the Town of Burrillville.

Enclosed for filing in this matter are an original and 6 copies of the Town of Burrillville's
Objection to the Motion of Narragansett Electric and Clear River Energy for an Expedited Hearing.
Copies have been served on the service list.

If you need any further information, please do not hesitate to contact me.

Very truly yours,


Michael R. McElroy

MRMc:tmg

cc: Service List
William Dimitri, Esq., Town Solicitor
Michael C. Wood, Town Manager

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY :
d/b/a NATIONAL GRID AND CLEAR RIVER ENERGY, :
LLC's JOINT APPLICATION TO CONSTRUCT THE : DOCKET No. SB-2017-01
BURRILLVILLE INTERCONNECTION PROJECT IN :
BURRILLVILLE, RHODE ISLAND :

**TOWN OF BURRILLVILLE'S OBJECTION TO THE MOTION OF NARRAGANSETT
ELECTRIC AND CLEAR RIVER ENERGY FOR AN EXPEDITED HEARING**

The Town of Burrillville ("Town") is the host community for the proposed Burrillville Interconnection Project and the Clear River Energy Center ("CREC") and is an intervenor as of right in this docket.¹ The Town hereby objects to the Motion of National Grid ("Grid") and Clear River Energy ("CRE") for an expedited hearing on the Burrillville Interconnection Project.

An expedited hearing in this matter is wholly inappropriate. EFSB Rule 1.9(h) permits, but does not require, the Board to expedite a hearing "on an application which covers only electric transmission lines." As noted by National Grid and Clear River Energy, the Burrillville Interconnection Project "is unique as it is a new transmission line for the sole purpose of connecting CREC to the electric transmission system..." Proposed Preliminary Decision and Order, at 3 (emphasis added).

If construction of CREC is not authorized by the Board in Docket No. SB-2015-06 ("CREC Docket"), then there is no need for the transmission system proposed in this docket ("Interconnection Docket"). Accelerating the review and approval process for the Interconnection Docket places the cart before the horse. Unless and until the Board decides it will license CREC, Grid and CRE will be unable to demonstrate a need for the Burrillville Interconnection Project.

As this Board knows, the CREC Docket has been pending since 2015 and has proceeded

¹ The deadline for filing motions to intervene is May 3, 2017. Motions to intervene will be ruled on at the preliminary hearing on May 23, 2017.

slowly. The CREC Docket proposes approximately 1,000 megawatts of capacity, yet CRE only has a capacity supply obligation (“CSO”) from ISO-NE for half of that, representing the first unit. CRE has failed for two years in a row to obtain a CSO for the second unit, which represents the other half of the proposed project.

Recently in the CREC Docket, the Board ordered the preparation of supplemental advisory opinions from four governmental agencies, including the Burrillville Building Inspector. Those opinions will not be submitted until approximately August 15, 2017. There is currently no procedural schedule in place in the CREC Docket.

Under Rhode Island law, public comment must be part of the Board’s decision making process in the Interconnection Docket. *See* R.I.G.L. § 42-98-9.1(e). However, Grid and CRE request that the Board “schedule the public comment hearing in Burrillville to occur before the deadline for advisory opinions.” The public, and especially the residents of the host community, must have access to meaningful information about the Burrillville Interconnection Project, including complete advisory opinions, in order to present informed public comment.

The Town concurs with Grid and CRE that the Board should “coordinate the timing of the EFSB decisions on CREC and this Project.” (Motion to Expedite, at 2). The problem is that if the Interconnection Docket is expedited as suggested by Grid and CRE, the hearings and approval process for the transmission lines could occur prior to the hearings and approval process for the power plant itself. This would require the parties and advisory agencies to divert attention and resources from the primary CREC Docket to the secondary Interconnection Docket. Moreover, the time, energy and financial resources spent on the Interconnection Docket prior to the approval of the CREC Docket would be a waste of limited resources for the Board and the parties.

Because the issues involved in the approval and permitting process for the plant itself are so complex and time consuming for the parties involved, it is the Town’s suggestion that the

evidentiary hearings for the Interconnection Docket should not take place until after the evidentiary hearings have been held for the CREC Docket.²

Establishing a schedule for the Interconnection Docket that allows all interested parties a meaningful opportunity to participate in both the CREC Docket and the Interconnection Docket is the minimum that is required to comport with the constitutional requirements of procedural due process and statutory requirements. See *Millet v. Hoisting Engineers' Licensing Division of Dept. of Labor*, 377 A.2d 229, 236 (R.I. 1977). See also R.I.G.L. § 42-35-9(c). The procedural schedule in this matter must be such that the parties have adequate time to meaningfully evaluate the application and prepare testimony.

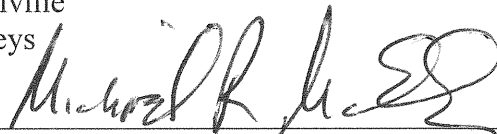
The Town suggests that the Board schedule a prehearing conference with all interested parties to confer on such matters as the deadline for advisory opinions, dates for public comment, dates for submission of prefiled testimony, and dates for the evidentiary hearings, in order to “coordinate the timing of the EFSB decisions on CREC and this Project,” as requested in the Motion to Expedite.

Therefore, the Town respectfully submits that the Motion to Expedite should be denied.

Respectfully submitted,
Town of Burrillville
By its attorneys



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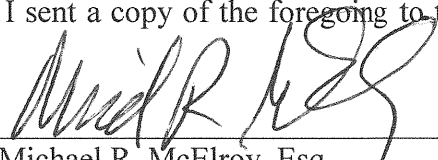


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² The interested parties in the CREC Docket and the Interconnection Docket are the same.

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2017, I sent a copy of the foregoing to the attached service list.



Michael R. McElroy, Esq.

SB-2017-01 Burrillville Interconnection Project Service List as of 04/04/2017

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