

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD**

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

**CLEAR RIVER ENERGY, LLC'S RESPONSES TO
THE TOWN OF BURRILLVILLE'S 3rd SET OF DATA REQUESTS**

Request 3-1 On January 23, 2018, Clear River Energy LLC ("Clear River") filed a Withdrawal of Complaint ("Withdrawal") in FERC Docket EL 18-31-000.

 The Withdrawal specifically references the "Rhode Island Energy Facility Siting Board ("EFSB") proceeding" and states that "in order to remove this issue from being considered in any way in the EFSB proceed [...] Clear River is submitting this notice of withdrawal of the Complaint." *Clear River Withdrawal*, at 2.

 Clear River's Withdrawal does not seek dismissal of FERC Docket No. EL 18-31-000 with prejudice. What, if anything, prevents Clear River and/or Invenergy from refiling a similar complaint in the future (for example, after the proceedings before the RI EFSB are concluded)?

RESPONSE 3-1 Neither Invenergy nor Clear River have any plans to refile a similar complaint. Moreover, FERC has rendered a decision in Docket ER18-349-000, and the Large Generator Interconnection Agreement ("LGIA") is effective.

RESPONDENT: Kris Zadlo, Invenergy Thermal Development LLC

DATE: February 9, 2018

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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Request 3-2 Does Invenergy agree that FERC Docket ER18-349-000 remains open? If not,
why not?

RESPONSE 3-2 A decision has been rendered in that docket.

RESPONDENT: Kris Zadlo, Invenergy Thermal Development LLC

DATE: February 9, 2018

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**IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a DOCKET No. SB-2017-01
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**CLEAR RIVER ENERGY, LLC'S RESPONSES TO
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- Request 3-3 Does Invenergy agree that each of the following issues remains unresolved before FERC? If not, why not?
- a. Whether FERC will direct ISO-NE to revise the Large Generator Interconnection Agreement ("LGIA") milestone date by which the notice to proceed must be issued and related security posted;
 - b. Whether FERC will direct National Grid to permit Clear River to exercise its option to build certain transmission owner interconnection facilities identified in the LGIA;
 - c. Whether FERC will direct ISO-NE to reevaluate whether the upgrades identified in the LGIA and predicted on Clear River's initially planned 2019 commercial operation date will still be necessary in light of Clear River's new commercial operation on 2021;
 - d. Whether FERC will confirm that Clear River should be responsible for paying only for those facilities necessary to interconnect the Project and not for any unnecessary equipment;
 - e. Whether FERC will direct ISO-NE and National Grid to demonstrate that they considered whether there were more cost-effective upgrade options to address the impacts of interconnecting the Clear River Energy Center Project; and
 - f. Whether FERC will intercede in the dispute between National Grid and Clear River regarding Clear River's access to, and payment for, the use of National Grid's right-of-way.

RESPONSE 3-3 FERC has rendered a decision in the subject Docket.
RESPONDENT: Kris Zadlo, Invenergy Thermal Development LLC
DATE: February 9, 2018

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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**IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a DOCKET No. SB-2017-01
NATIONAL GRID AND CLEAR RIVER ENERGY LLC'S
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**CLEAR RIVER ENERGY, LLC'S RESPONSES TO
THE TOWN OF BURRILLVILLE'S 3rd SET OF DATA REQUESTS**

- Request 3-4 Please provide a detailed statement as to the status of each of the following issues pending before FERC in Docket ER18-349-000.
- a. Whether FERC will direct ISO-NE to revise the Large Generator Interconnection Agreement ("LGIA") milestone date by which the notice to proceed must be issued and related security posted;
 - b. Whether FERC will direct National Grid to permit Clear River to exercise its option to build certain transmission owner interconnection facilities identified in the LGIA;
 - c. Whether FERC will direct ISO-NE to reevaluate whether the upgrades identified in the LGIA and predicted on Clear River's initially planned 2019 commercial operation date will still be necessary in light of Clear River's new commercial operation on 2021;
 - d. Whether FERC will confirm that Clear River should be responsible for paying only for those facilities necessary to interconnect the Project and not for any unnecessary equipment;
 - e. Whether FERC will direct ISO-NE and National Grid to demonstrate that they considered whether there were more cost-effective upgrade options to address the impacts of interconnecting the Clear River Energy Center Project; and
 - f. Whether FERC will intercede in the dispute between National Grid and Clear River regarding Clear River's access to, and payment for, the use of National Grid's right-of-way.

RESPONSE 3-4 A decision has been rendered in the subject Docket.

- a. The LGIA milestone dates are unchanged, and Clear River is working with National Grid and ISO-NE to establish when security will be posted.

- b. FERC did not direct National Grid to permit Clear River to exercise its option to build certain transmission owner interconnection facilities identified in the LGIA.
- c. FERC did not direct ISO-NE to reevaluate whether the upgrades identified in the LGIA will be necessary.
- d. Clear River is responsible for paying for all facilities necessary to interconnect the Project.
- e. FERC did not direct ISO-NE and National Grid to demonstrate that they considered whether there were more cost-effective upgrade options to address the impacts of interconnecting the Clear River Energy Center Project.
- f. A ROW Agreement will be required for Clear River's access to, and payment for, the use of National Grid's right-of-way.

RESPONDENT: Kris Zadlo, Invenergy Thermal Development LLC

DATE: February 9, 2018

CLEAR RIVER ENERGY LLC
By its Attorneys,



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Dated: February 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2018, I delivered a true copy of the foregoing responses to the **Town of Burrillville's 3rd Set of Data Requests in Docket No. SB-2017-01** via electronic mail to the parties on the attached service list.



SB-2017-01 Burrillville Interconnection Project Service List as of 10/12/2017

| Name/Address | E-mail | Phone/FAX |
|--|--|--------------|
| <p>File an original and 6 copies with EFSB: Todd Bianco, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888</p> <p>Margaret Curran, Chairperson Janet Coit, Board Member Assoc. Dir., Div. of Planning Parag Agrawal Patti Lucarelli Esq., Board Counsel Susan Forcier Esq., Counsel Rayna Maguire, Asst. to the Director DEM Catherine Pitassi, Asst. to. Assoc. Dir. Plann. Margaret Hogan, Sr. Legal Counsel</p> | Todd.Bianco@puc.ri.gov ; | 401-780-2106 |
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| Interested Persons (Electronic Service Only) | | |
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