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Via Hand Delivery

June 13, 2014

Todd Bianco
Siting Board Coordinator
Energy Facility Siting Board
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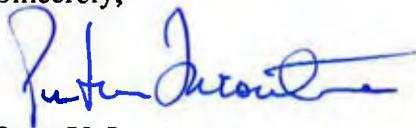
Re: Docket No. SB-2003-1
In re: The Narragansett Electric Company d/b/a National Grid
(E-183 115kV Transmission Line Relocation)

Dear Todd:

I am enclosing for filing an original and five (5) copies of National Grid's Objection to the City of East Providence's Motion for Entry of an Order in the above referenced matter.

Please acknowledge receipt of this filing on the enclosed copy of this letter and the report and return them to me. Thank you.

Sincerely,



Peter V. Lacouture



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Enclosures

Copy to: Chairperson Margaret E. Curran, Esq. (*via hand delivery*)
Janet Coit (*via hand delivery*)
Kevin Flynn (*via hand delivery*)
Patricia S. Lucarelli, Esq. (*via hand delivery*)
Service List (*via electronic mail*)

12972981-v1

STATE OF RHODEISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

In re: The Narragansett Electric Company :
(E-183 115 kV Transmission Line : Docket No. SB-2003-01
Relocation Project – A/C I-195 Relocation) :

THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID'S
OBJECTION TO CITY OF EAST PROVIDENCE'S
MOTION FOR ENTRY OF AN ORDER
(JUNE 9, 2014)

National Grid hereby objects to the June 9 motion filed by the City of East Providence seeking entry of an order enforcing a project schedule (“Motion”). The parties have negotiated a proposed schedule with milestones between May, 2014, and the commencement of construction in early 2017. National Grid submitted the schedule (attached) to the Energy Facility Siting Board (“EFSB” or “Board”) on May 29¹.

The entry of an order with “an enforceable schedule” is not necessary for several reasons. First, as a result of the EFSB’s December 17, 2013 decision, National Grid has been filing status reports with the EFSB every forty-five (45) days. Reports have been filed on January 30, March 17, and May 1, 2014. National Grid’s fourth report is being filed on June 13. These regular reports, together with the EFSB’s periodic status hearings, provide ample opportunity for the EFSB to monitor the schedule and question National Grid (or other parties) if the schedule slips.

Second, National Grid, in consultation with the other parties, has submitted a proposed project schedule in substantial compliance with the EFSB’s request. This proposed project schedule is very similar to the proposed project schedule that East Providence submitted on May 27, 2014. As a result, National Grid does not believe that a formal order is necessary or warranted.

Third, East Providence has not defined what an “enforceable schedule” means. Presumably, it would impose some sanction on National Grid for failure to comply with the schedule, subject to a “force majeure” clause. However, a number of the schedule obligations are those of Providence, East Providence and the Attorney General. It is not clear what purpose an “enforceable schedule” would serve in this instance, or what result would or should occur if any party failed to comply with such schedule. Furthermore, as noted above, the EFSB will have ample opportunity through its periodic status hearings to monitor the project schedule that National Grid submitted.

¹ Although Providence and the Attorney General have indicated their agreement with the proposed schedule, East Providence has, by e-mail to the EFSB on June 3, 2014, suggested further refinements to it.

East Providence also seeks a hearing for the purpose of apparently arguing in favor of “pursuing certain portions of the project in parallel ... in an effort to accelerate commencement of construction.” [Motion, ¶8.] It is interesting to contrast this argument made by East Providence with the words and actions of all of the parties. During the hearing on March 20, 2014, Board counsel Lucarelli asked for reports from the parties as to their progress on property acquisition. Ms. Southgate, counsel for the City of Providence, explained that Providence was waiting for a new project cost estimate, consistent with the position which Providence took in its memorandum of January 13, 2014.² [TR 3/20/14, pp. 15-16.]

In contrast, counsel for the City of East Providence acknowledged that there is a private landowner involved but indicated that East Providence had not had any recent contact with the landowner.³ [TR 3/20/14, p. 17.]

National Grid has assumed that certain aspects of the project will proceed in parallel in order to accomplish the milestones as proposed. In particular, National Grid will develop permit applications during the November 15, 2014 – April 1, 2015 period when the municipalities are acquiring property rights. Similarly, it will develop specifications and solicit bids for the EPC (Engineering-Procurement-Construction) contract while the permitting is progressing.

In conclusion, National Grid respectfully requests that the EFSB deny the Motion for Entry of an Order filed by the City of East Providence and allow the project to proceed, subject to regular reports from National Grid and periodic status hearings before the Board.

Respectfully Submitted,

THE NARRAGANSETT ELECTRIC COMPANY
d/b/a NATIONAL GRID

By its Attorneys,



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² It should be noted that in its January 13 memorandum, the City of Providence demonstrates that it has given significant thought to the timing and consequences of condemning the required property.

³ The land owner is Tockwotton. The Executive Director of Tockwotton, Kevin McKay, made a public statement during the Board’s May 27 hearing. It was unclear from Mr. McKay’s statement whether there had been any contacts between the City of East Providence and Tockwotton since the March 20 hearing.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within was sent by e-mail to the following this the 13th day of June, 2014.

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File an original and 5 copies w/:

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Brenda L. Vuca

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: The Narragansett Electric Company Notice of
Intent to Relocate Transmission Lines in Providence
and East Providence (E-183 115kV Transmission Line
Relocation Project – A/C I-195 Relocation)

Docket No. SB-2003-01

Project Schedule

• **May 27, 2014 – August 15, 2014**

- National Grid to execute contract with underground engineering consultant.
- National Grid and consultant to complete field work, investigation, studies and calculations for underground component.
- The municipalities and the Attorney General's Office are to research engaging a consultant for peer review of National Grid's Estimate and Project Schedule.
- The municipalities to re-engage discussions regarding property acquisitions.

• **August 15, 2014 – September 30, 2014**

- National Grid to receive underground component cost estimates from consultant on or before September 1, 2014.
- National Grid to receive cost estimates for other project components from internal project teams on or before September 1, 2014.
- National Grid to present project cost estimate to parties for review on or before September 30, 2014.
- Municipalities and Attorney General to make preparations to engage consultant for peer review.
- Municipalities to advance negotiations for acquisition of property rights.

• **September 30, 2014 – November 15, 2014**

- Municipalities and Attorney General to determine whether to engage consultant for peer review.
- Attorney General and Municipalities to peer review cost estimate if consultant engaged.
- Attorney General and Municipalities to advise National Grid and EFSA whether all support proceeding with underground project.

- **November 15, 2014 – April 1, 2015**
 - Municipalities to acquire necessary property rights.
- **April 1, 2015 – October 1, 2016¹**
 - National Grid to commence and complete project permitting, subject to agency schedules.
- **December 1, 2016**
 - National Grid to award EPC contract.
- **Spring, 2017**
 - National Grid to commence construction.

¹ Permitting to be accelerated if municipalities complete acquisition of property rights before April 1, 2015.