

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

In re: Relocation of Transmission Lines : **Docket No. SB-2003-01**
in Providence and East Providence :
(E-183 115kV Transmission Line :
Relocation Project – A/C I-195 Relocation) :

CITY OF PROVIDENCE’S RESPONSE TO ENERGY FACILITY SITING BOARD
DATA REQUESTS DATED DECEMBER 3, 2014

1. Please list any coordinated steps that have been taken by the City of Providence, the City of East Providence, the Attorney General (the Parties), and/or National Grid to comply with Section IID and/or other sections of the Settlement Agreement.

The City of Providence adopts the response provided by the City of East Providence on December 5, 2014.

In addition, and generally, the parties have conducted joint meetings on numerous occasions over the past decade, sometimes including elected officials and interested community leaders in the discussions about what should be done, when, and how it should be funded. In addition to the named parties, representatives from the Rhode Island Department of Transportation and the Rhode Island Department of Environmental Management have played a role in obtaining financing for the project. National Grid pushed for a cooperative funding agreement, and various drafts were circulated in 2011 and thereafter without ever resolving the parties’ differences about such things as priority of draw-downs, imputation of interest, etc. The chronology filed by National Grid on August 22, 2011 touches upon some of the salient points in the history of this matter. Adding to the challenges which would normally attend a complicated project of this magnitude and cost, the governing bodies and elected heads of all three public entities have changed since the case was initially litigated, leading to a substantial duplication of effort as new leaders are educated about the project.

2. Please describe in detail, with associated dates, the steps engaged in by Parties to retain a consultant to review the project cost estimates filed by National Grid on October 21, 2014.

The table below contains a complete listing of the undersigned activities on the E-183 file from and after October 21, 2014.

10/22	Review cost estimate; confer with Jeff Padwa; email to Sheila Dormody and Gonzalo Cuervo; call to Mark Russo; email from Mark; EFSB hearing; confer with Jeff
10/28	Emails from Patrick Anderson and Dawn Bergantino; response to Dawn; response to Patrick; call from Dawn
10/30	Emails from Pete Lacouture and Mark Russo
10/31	Email from Peter Lacouture
11/6	Emails from Peter Lacouture, Karen Lyons and Mark Russo x2; response
11/7	Email from Sheila Dormody; confer with Jeff Padwa prepare transition report; emails from Peter Lacouture and Mark Russo; responses; email from Peter with data responses; review same; forward to Sheila
11/12	Email from Peter Lacouture; forward to Sheila Dormody and Jeff Padwa; email from Mark Russo
11/24	Email from Mark Russo; review editorial in ProJo
12/1	Emails from Karen Lyons and Mark Russo; response to Mark; confer with Jeff Padwa; call to David Reilly
12/8	Emails from Patti Lucarelli; call to Patti; execute agreement; call to Peter Lacouture; fax to Peter
12/9	Email to Jim Silveria; response
12/10	Confer with Jim Silveria; call from Pete Lacouture; response; email from Pete x3; email to Mark Russo; emails from Wendy Smith x7; response; work on data responses; email from Peter McGuirk x2

3. Please provide whether an agreement has been executed to retain an independent expert to review the project cost estimates filed by National Grid on October 21, 2014, and if so provide a copy of that agreement.

The City of Providence executed the agreement referenced in this Data Request on December 8, 2014, and transmitted it to counsel for National Grid on that date. An email from Peter Lacouture dated December 10, 2014, states that the other parties had not, as of that date, executed, although all parties have agreed to the basic agreement. A copy of the circulated draft was attached to the City of East Providence Data Response as Exhibit 4.

4. Please provide the cost of the agreement described in data request number 3, above and the time table established by such agreement.

The cost was to be limited to \$25,000 and the original work schedule set a December 31, 2014 response date (all as reflected by East Providence Data Request, Exhibit 4). On information and belief, it may be necessary to extend the response date

5. Please provide each Party's timeline for complying with Section IID of the May 25, 2004 Settlement Agreement.

The City of Providence adopts the response provided by the City of East Providence on December 5, 2014.

6. Please provide copies of all quarterly reports prepared in compliance with Docket No. SB-2003-0 1, Order No. 54. If no reports are available, please commence reporting as required by the Order to the Energy Facility Siting Board forthwith.

The City of Providence has filed no quarterly reports. Like the City of East Providence, our understanding was that National Grid was the filing party. Periodically, in keeping with administrative meetings with the Siting Board's coordinator and legal counsel, certain updates have been provided. For example, the attached emails were sent on March 22, 2011, to Coordinator Nicholas Ucci and the Service List.

7. Please provide a detailed update of each of the Parties' activities related to the current matter since October 22, 2014.

Please see response to Data Request Number 2, above, which contains a complete listing from the undersigned counsel's time records reflecting activity on this matter.

8. Please describe in detail the steps that each City has taken to acquire property necessary for this project, include the names and titles of any individuals that have participated in such steps.

An amendment to the Old Harbor Development Plan to add the property located at 587 South Main Street (A.P. 18, Lot 18) was prepared and submitted to the Providence City Council in 2009. It was still pending during the third week of January 2010 (and in fact has never been acted upon by the Committee on Ordinances), when undersigned counsel met with National Grid representatives, representatives from the drilling company which had been evaluating the feasibility of directional drilling, and the then-owners of the so-called "Al Forno" lot. An email documenting that meeting is attached.

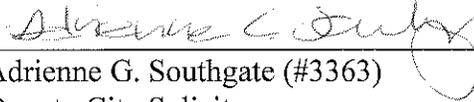
9. Please describe any action taken by the City of Providence with respect to the Singh property, including any discussions, meetings, correspondence, etc.

The City has had numerous meetings with respect to the Singh property, although most of them did not involve its acquisition as a landing site for the directional drilling. Mr. Singh apparently approached the Department of Planning during late 2012 with a proposal to put an Indian restaurant on his parcel; the undersigned does not have any time records reflecting the dates and individuals involved, but on information and belief the latter included Robert Azar, Director of Current Planning, as well as Principal Planner Christopher Ise and Principal Planner Choyon Manjrekar. Subsequently, Mr. Singh met with Mayor Taveras, at which meeting he learned for the first time that his parcel was potentially going to be acquired for the E-183 project. In addition, he and/or his attorney have had contact with April Wolf, the Planning Department's Director of Real Estate.

The undersigned participated in a discussion with Mr. Singh, his attorney David Campanella, Ms. Wolf, Mr. Lacouture and David Kampilii from National Grid on August 8, 2014. Since that meeting, and prior to the time that he was added to the Service List, there have been one or more instances in which telephone calls from Mr. Singh to the Law Department resulted in the forwarding of some relevant document

Respectfully submitted,

CITY OF PROVIDENCE



Adrienne G. Southgate (#3363)
Deputy City Solicitor
444 Westminster Street, Suite 220
Providence, RI 02903
Tel: (401) 680-5331
Fax: (401) 680-5520

Dated: December 16, 2014

CERTIFICATION OF SERVICE

I hereby certify that on this 16th day of December, 2014, I filed and served this document through the email to the parties on the attached service list, with the exception of the original and seven copies which were provided via regular mail to Todd Bianco, Coordinator of the Energy Facility Siting Board.



DOCKET NO. SB-2003-1**Relocation of Transmission Lines in Providence and East Providence****(E-183 115kV Transmission Line Relocation Project – A/C I-195 Relocation)****Service List as of 10/30/14**

Name/Address	E-mail	Phone/FAX
Peter V. Lacouture, Esq. Robinson & Cole LLP One Financial Plaza Suite 1430 Providence, RI 02903-2485	placouture@rc.com	401-709-3314 401-709-3399
National Grid	jennifer.hutchinson@nationalgrid.com	
National Grid	celia.obrien@nationalgrid.com	
Department of Attorney General 150 South Main Street Providence, RI 02903	LWold@riag.ri.gov	401-222-2424 ext. 2218 401-222-3016
	klyons@riag.ri.gov	
	Jmunoz@riag.ri.gov	
	dmacrae@riag.ri.gov	
Division of Public Utilities & Carriers	Thomas.kogut@dpuc.ri.gov	
	Jon.hagopian@dpuc.ri.gov	
	Steve.scialabba@dpuc.ri.gov	
	joseph.shilling@dpuc.ri.gov	
Janet Coit, Director Dept. of Environmental Management 235 Promenade Street Providence, RI 02908	janet.coit@dem.ri.gov	401-222-4700 ext. 2409
	Rayna.maguire@dem.ri.gov	
Kevin Flynn, Associate Director for Division of Planning Department of Administration One Capitol Hill, 3 rd Floor Providence, RI 02903	kevin.flynn@doa.ri.gov	401-222-6496
Adrienne G. Southgate, Deputy City Solicitor City of Providence Department of Law 444 Westminster Street, Suite 220 Providence, RI 02903	asouthgate@providenceri.com	401-680-5331
RI Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	Cynthia.WilsonFrias@puc.ri.gov	
	alan.nault@puc.ri.gov	
	Paul.roberti@puc.ri.gov	
John J. Spirito, Esq. (e-mail only) Division of Public Utilities and Carriers	jspirito@dpuc.ri.gov	401-780-2152
Timothy J. Chapman, City Solicitor City of East Providence 145 Taunton Avenue East Providence, RI 02914-4505	tchapman@cityofeastprov.com	

Mark W. Russo, Esq. Ferrucci Russo P.C. 55 Pine Street, 4th Floor Providence, RI 02903	mrusso@frlawri.com	401-455-1000 401-455-7778
	wsmith@frlawri.com	
	jboyle@cityofeastprov.com	
Terence Tierney (e-mail only)	tierneylaw@yahoo.com	
Seth H. Handy, Esq.	seth@handylawllc.com	
David Riley, Friends of India Pt. Park	davidpriley@aol.com	401-521-7929
Amar Singh	amar@indiarestaurant.com	
Nick Ucci, OER	Nicholas.Ucci@energy.ri.gov	
File an original and 7 copies w/: Todd Bianco, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888	Todd.bianco@puc.ri.gov	401-780-2106
	Margaret.curran@puc.ri.gov	
	patricia.lucarelli@puc.ri.gov	
	Kathleen.mignanelli@puc.ri.gov	

Southgate, Adrienne

From: Mastroianni, Tina
Sent: Thursday, December 11, 2014 3:10 PM
To: Southgate, Adrienne
Cc: Hagen, Lori
Subject: Request for Information
Attachments: 2-18-10MM.pdf

Adrienne,

Per our conversation, I have found the item you were looking for, see below:

46. An Ordinance in Amendment of and in addition to Chapter 1797 of the Ordinance of the City of Providence, Approved November 7, 1966, and Entitled: "An Ordinance Approving and Adopting the Official Redevelopment Plan for the East Side Project No. R.I. R – 4, (Chapter 1797) as further amended by Chapter 1985-76, Approved August 9, 1985 ("Chapter 1985-76") for the Acquisition of Lot 18 on Assessor's Plat 18 (587 South Main Street). ***(In City Council 12-3-09, Councilman Yurdin) (Copies of Chapter 1797 & 1986-76 are attached)(In Committee on 2-18-10, con't) Al Forno property –do not place on agenda till we hear from Yurdin.....***

This item is pending in Ordinances from the last term 2007-2011, it was in committee on 2-18-10 and I've attached the minutes from that meeting just in case you needed any further information relative to that matter.

If there is anything further you need, please don't hesitate to ask.

Thanks,

Tina



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CITY OF PROVIDENCE

Southgate, Adrienne

From: Adrienne Southgate
Sent: Tuesday, March 22, 2011 1:13 PM
To: 'Nicholas Ucci'
Subject: E-183 power line

Nick, this isn't my update...it is more like a "prequel".

The meeting between the Mayor and Director Coit took place yesterday, but I am advised that the power lines did not come up during the meeting. However, the mayor's chief of staff has offered to contact the director to ascertain her feelings about the Greenway grants. I will immediately provide an update once I hear from him about her response.

Southgate, Adrienne

From: Adrienne Southgate
Sent: Tuesday, March 22, 2011 3:59 PM
To: 'Lacouture, Peter V.'; 'Nicholas Ucci'; mmitchell@admin.ri.gov;
jboyle@cityofeastprov.com; Rayna.santoro@dem.ri.gov; Kevin Flynn;
mrusso@frlawri.com; wsmith@frlawri.com; Alan Nault; Cindy Wilson; Elia Germani;
Patricia Lucarelli; dmacrae@riag.ri.gov; jhagopian@riag.ri.gov; LWold@riag.ri.gov;
MCorey@riag.ri.gov; john spirito; steve scialabba; Thomas Kogut; 'Jon Hagopian'
Subject: RE: EFSB 2003-1 Action Items from Status Conference: Status of DEM funding

I have been notified by the Mayor's Chief of Staff that the City of Providence will formally request re-designation of the remaining \$250,000 of DEM Greenway grant funds to a local Parks Department project, given DEM's determination that they will either recall or re-designate those funds given the uncertainty of the timing of the E-183 underground initiative.

Southgate, Adrienne

From: Adrienne Southgate
Sent: Monday, January 25, 2010 11:03 AM
To: 'Jon Hagopian'; W. Mark Russo, Esq.
Subject: RE: E-183 Transmission Line

The redevelopment plan ordinance is pending in committee. However, after meeting with NGrid and the drilling experts and the owners of the Al Forno lot last week, we have serious questions about whether we could proceed to a condemnation without having any specificity about the area which must be taken. The drilling people haven't refined the scope. In fact, the process they outline is to put the job out to bid to see what tolerances various firms are willing to commit to – and that would presumably give us more of an idea of what portion of the lot will be required. They did say the process from this point is likely to be around 3 years...

From: Jon Hagopian [<mailto:JHagopian@riag.ri.gov>]
Sent: Friday, January 22, 2010 4:40 PM
To: W. Mark Russo, Esq.; Adrienne Southgate
Subject: RE: E-183 Transmission Line

My of is prepared to sign the Joint Motion. I would like however to be updated on the status of efforts to have the ordinance heard and passed regarding the creation of the redevelopment plan for the lot adjacent to Al Forno I understand that Councilman Yurdin was the sponsor of this ordinance. I believe that any defense to this motion would be based upon the failure to acquire the necessary property rights or easements as a requisite to Narragansett electric moving forward. If the ordinance is passed however than Narragansett Electric will not be able to raise this defense. I do believe the City of Providence is going to have to be prepared to address this issue. Any thoughts would be appreciated and I am available for a conference call if you want.

Regards
Jon Hagopian

-----Original Message-----

From: W. Mark Russo, Esq. [<mailto:mrusso@frlawri.com>]
Sent: Monday, January 18, 2010 10:59 AM
To: Jon Hagopian; asouthgate@providenceri.com
Cc: jbriden@blaislaw.com; jboyle@cityofeastprov.com
Subject: E-183 Transmission Line

Dear Jon and Adrienne:

I really would like to get the motion filed, so that we can force National Grid to take some action.

I have attached the most recent draft again for your review and comment.

We should try to aim for the end of this week to file.

Ferrucci Russo P.C.
Counsellors at Law

W. Mark Russo

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE** IN AMENDMENT OF AND IN ADDITION TO CHAPTER 1797 OF THE ORDINANCE OF THE CITY OF PROVIDENCE, APPROVED NOVEMBER 7, 1966, AND ENTITLED "AN ORDINANCE APPROVING AND ADOPTING THE OFFICIAL REDEVELOPMENT PLAN FOR THE EAST SIDE PROJECT NO R.I. R-4, (CHAPTER 1797) AS FURTHER AMENDED BY CHAPTER 1985-76, APPROVED AUGUST 9, 1985 ("CHAPTER 1985-76") FOR THE ACQUISITION OF LOT 18 ON ASSESSORS PLAT 18 (587 SOUTH MAIN STREET).

Approved

Be it ordained by the City of Providence:

1. That Chapter 1797 as amended by Chapter 1985-76, is hereby further amended as follows:
 - A. The following parcel (the "Property") shall be added to the Official Redevelopment Plan for the East Side Renewal Project No R.I. R-4 as amended, as a parcel to be acquired for public purposes in furtherance of the objectives of said Official Redevelopment Plan, specifically the relocation and upgrade of utilities:

<u>Plat/Lot</u>	<u>Address</u>
18/18	587 South Main St.
 - B. A certain map of the aforementioned Official Redevelopment Plan as amended by Chapter 1985-76, hereinafter entitled, "Map No. 4 A - Proposed Acquisition" shall be amended to reference that the Property is intended for Proposed Acquisition.
 - C. In accordance with Rhode Island General Laws § 45-32-16, the Providence Redevelopment Agency shall set aside funds, as provided by law, adequate to pay for the Property to be acquired.
2. That said Chapter 1797 and Chapter 1985-76 as adopted and as hereby amended, be and are ratified and affirmed in all other respects.
3. That this Ordinance shall take effect on its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy thereof to the Providence Redevelopment Agency.