

March 7, 2016

Via Hand Delivery/Electronic Mail

Todd Anthony Bianco, EFSB Coordinator  
RI Energy Facilities Siting Board  
89 Jefferson Blvd.  
Warwick, RI 02888

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

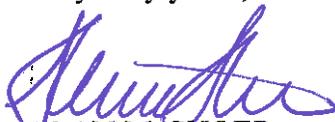
Dear Mr. Bianco:

On behalf of Invenergy Thermal Development LLC and the Clean River Energy Center Project, I enclose an original and (10) copies for filing with the Board the following in the above docket:

1. Objections of Invenergy Thermal Development LLC Regarding the Second Set of Data Requests of The Conservation Law Foundation.

Please let me know if you have any questions.

Very truly yours,



ALAN M. SHOER  
[ashoer@apslaw.com](mailto:ashoer@apslaw.com)

Enclosures

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

**In Re: INVENERGY THERMAL DEVELOPMENT )  
LLC'S APPLICATION TO CONSTRUCT THE )     **Docket No. SB-2015-06**  
CLEAR RIVER ENERGY CENTER IN )  
BURRILLVILLE, RHODE ISLAND )**

**OBJECTIONS OF INVENERGY THERMAL DEVELOPMENT  
LLC REGARDING THE SECOND SET OF DATA REQUESTS  
OF THE CONSERVATION LAW FOUNDATION**

Invenergy Thermal Development LLC (“Invenergy”) is in the process of preparing responses to the second set of data requests of the Conservation Law Foundation (“CLF”), dated February 29, 2016. However, in accordance with Rule 1.27(b) of the Rules of the Rhode Island Energy Facilities Siting Board, Invenergy generally objects to each of the CLF data requests to the extent that the questions seek:

1. Information that is protected from disclosure by the attorney client work product privilege, attorney client communication privilege, commercially sensitive, trade secret or other applicable privilege;
2. Information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence;
3. Information that is ambiguous, vague, overly broad or contains language or undefined terms susceptible to multiple meanings;
4. Information that seeks production of information that is in the public domain, for example, documents or information easily obtainable by a government agency;
5. Information or documents that are confidential, proprietary or trade secret protected information;

6. Information or documents that causes undue burden, expense or is overly oppressive to respond; and
7. Information that is argumentative or calls for a legal conclusion.

As for specific objections identified at this time, Invenergy notes the following objections.

**CLF REQUEST 2-8:**

This question pertains to Invenergy's statement that it anticipates having "firm natural gas transport for a portion of its natural gas needs." (Invenergy October 29, 2015 filing, page 119, Section 7.2.2.1.)

- (a) Has Invenergy entered into any contract(s) for firm gas delivery?
- (b) If the answer to sub-part (a) is yes, how many such contracts has Invenergy entered into, and how many decatherms per year of firm gas delivery is provided in each one?
- (c) If the answer to sub-part (a) is no, how many hours per year of firm gas delivery does Invenergy contemplate?
- (d) What premium or discount, if any, does Invenergy believe it will pay per decatherm for its anticipated use of firm gas?
- (e) What effect, if any, does Invenergy anticipate that its projected use of some firm gas will have on the number of hours per year the plant will clear in the ISO-NE energy market?

**INVENERGY OBJECTION TO CLF 2-8:**

Beyond the general objections identified above, Invenergy objects to responding the question (d) on premium or discount relative to Firm transportation prices to the extent that it seeks information protected by the attorney-client privilege, the work-product doctrine, and/or any other applicable privilege, including but not limited to information that is commercially

sensitive, proprietary or trade secret protected. Further, Invenergy objects to the request on the ground that the question is vague and ambiguous, overbroad. Specifically, Invenergy objects to disclosure to the extent this request requires Invenergy to disclose confidential information (prices) provided to Invenergy by other entities, that is subject to confidentiality and/or Non-Disclosure Agreements between Invenergy and other third parties.

**CLF REQUEST 2-9, 10 and 11:**

“Does Invenergy anticipate that its contract(s) for firm gas delivered to Burrillville will yield a discount over spot prices (relative to Algonquin City Gate prices) during the months of December through March during Capacity Commitment Period 10 (June 1, 2019 to May 31, 2020) (CCP-10), December through March during CCP-11 (Question 2-10), and December through March during CCP-12 (Question 2-11)? If yes, how much do you anticipate in dollars per decatherm, and for how many decatherms of gas?”

**INVENERGY OBJECTION TO CLF REQUESTS 2-9, 10 and 11:**

Beyond the general objections identified above, Invenergy objects to responding the question on costs or savings relative to Algonquin City Gate prices to the extent that it seeks information protected by the attorney-client privilege, the work-product doctrine, and/or any other applicable privilege, including but not limited to information that is commercially sensitive, proprietary or trade secret protected. Further, Invenergy objects to the request on the ground that the question is vague and ambiguous, overbroad. Furthermore, to the extent this request requires Invenergy to disclose confidential information (prices) provided to Invenergy, Invenergy objects to disclosure of information that is subject to confidentiality and/or Non-Disclosure Agreements between Invenergy and other third parties.

### **CLF REQUEST 2-18:**

“This question relates to Invenenergy’s response to CLF Data Request 1.3, and the worksheets attached thereto.

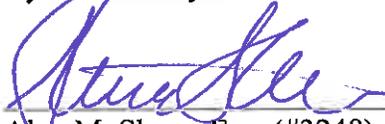
- (a) Did Invenenergy perform the necessary modeling for every hour in the operating years?
- (b) On the first chart appended to this response, which hours of the operating day are included in the column labeled “on peak” and which hours are included in the column labeled “off peak”?
- (c) Did you model every hour of the operating day separately with a unique, different demand level for every hour corresponding to the ISO’s load forecast for that hour?
- (d) If yes, state the projected savings during the 20 hours of greatest savings every month, and create a table reflecting projected savings for those 20 hours per month; and a separate table for all other peak hours.”

### **INVENERGY OBJECTION TO 2-18**

Beyond the general objections identified above, Invenenergy objects to responding to sub part (d) to the extent that it seeks the production of information protected by the attorney-client privilege, the work-product doctrine, and/or any other applicable privilege, including but not limited to information that is commercially sensitive, proprietary or trade secret protected. Further, Invenenergy objects to the request in sub part (d) on the ground that the question is vague and ambiguous, overbroad and unduly burdensome. Specifically, sub part (d) requires Invenenergy to conduct further research for CLF, to create additional “projections” that Invenenergy and its consultants have not created, especially as to a sub-sets of hours per day that CLF has not explained or identified. Furthermore CLF is requesting that Invenenergy and its consultants undertake new work “tables” and graphs just for CLF and its (as yet un-identified) consultants. None of these consultants have been identified. Invenenergy objects to the undue burden caused by being asked to create special work product, additional “tables,” or additional charts and/or graphs for CLF.

Respectfully submitted,  
INVENERGY THERMAL DEVELOPMENT LLC

By Its Attorneys:

A handwritten signature in blue ink, appearing to be "Alan M. Shoer", written over a horizontal line.

Alan M. Shoer, Esq. (#3248)

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Nicole M. Verdi, Esq. (#9370)

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Dated: March 7, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2016, I delivered a true copy of the foregoing document via electronic mail to the parties on the attached service list.

*/s/ Alan M. Shoer*