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May 17, 2016

HAND-DELIVERED

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

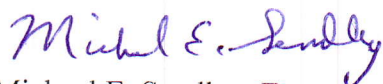
RE: Docket No. SB-2015-06
Invenergy Thermal Development LLC – Clear River Energy Center

Dear Mr. Bianco:

As you know, this office represents David B. Harris. Enclosed please find an original and ten (10) copies of Mr. Harris' Reply to the Objection of Invenergy Thermal Development LLC's to his Motion for Intervention.

If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,


Michael E. Sendley, Esq.

Enclosure

Cc: Service List

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

**REPLY OF DAVID B. HARRIS TO INVENERGY THERMAL
DEVELOPMENT LLC'S OBJECTION TO MOTION FOR INTERVENTION**

Now comes David B. Harris ("Mr. Harris"), through counsel, and hereby replies to Invenergy Thermal Development LLC's ("Invenergy") Objection to Mr. Harris' Motion for Intervention in this matter.

I. BACKGROUND

Pursuant to the Rules of Practice and Procedure ("Rules") of the Energy Facility Siting Board ("the Board"), Mr. Harris filed a Motion to Intervene ("Motion") in this matter on April 12, 2016, the substance of which is incorporated herein by reference. In sum, Mr. Harris argued that it is necessary and appropriate for him to intervene in this matter primarily because he is an abutter to the proposed project and he has substantial property and economic interests that will be directly affected by the outcome of this application process, and those interests are not adequately represented or protected by any existing parties. He also has many other concerns that are more fully set forth in his Motion.

Invenergy did not initially object to Mr. Harris' Motion. It was only after other residents of the Town of Burrillville sought to intervene (see Lyle and Erin Walker Motion for Intervention) that Invenergy decided to file an Objection to Mr. Harris' Motion on May 9, 2016. Invenergy's Objection asserts that Mr. Harris' interests as a resident of Wallum Lake Road are

adequately represented by existing parties and that Mr. Harris failed to demonstrate good cause as to why his Motion should be accepted.

Mr. Harris respectfully submits that his interests are not adequately represented by existing parties and that there exists good cause to accept and grant his Motion to Intervene.

II. LEGAL STANDARD FOR INTERVENTION

Rule 1.10(b) states “that any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Board”. Such an interest includes “an interest that may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Board’s action in the proceeding.” (See Rule 1.10(b)(2)).

Rule 1.10(d) of the Rules state that “a motion to intervene or notice of intervention in a preliminary hearing or a final hearing shall be filed not less than twenty (20) days before the date on which preliminary or final hearings begin.”

Finally, Rule 1.17(c), pertaining to objections to motions, states “Any party objecting to a written motion filed pursuant to this rule shall within five (5) days of the service of the motion, file an objection thereto in writing setting forth in detail the grounds for the objection. The time for filing objections may be varied by order of the Board.”

III. DISCUSSION

In the first instance, the Board should not consider Invenergy’s Objection because it is time barred by the Rules and the time limit has not been extended by order of the Board. Mr. Harris filed his Motion for Intervention on April 12, 2016. Any objection should have been filed

on or before April 18, 2016. Invenergy filed its Objection on May 9, 2016, twenty-one (21) days late. Since Invenergy's Objection was filed well beyond the five (5) day time limit, it should be set aside by the Board and stricken from the record.

Invenergy Objection argues that "continuous interventions of individual residents should not be allowed". It suggests that Mr. Harris' property interests and associated concerns are the same as other individuals who have already been allowed to intervene (ie. the Bolducs and the Shermans), and that his interests are adequately represented by them.

Putting aside for the moment the arguments related to the negative impacts to health and safety, traffic and noise increases, and environmental impacts, there is no doubt that Invenergy's proposed project will have a major and harmful impact on the present and future value of Mr. Harris' property and on his use and enjoyment of the same. Although Mr. Harris may have some common interests with the Bolducs and the Shermans in the sense that they are all abutters to the project, Mr. Harris has a far more substantial economic and property interest than those parties. Mr. Harris has 67 acres of land and over 1000 feet of lake frontage on Wilson Reservoir. His property is quite unique and not comparable to other properties in the vicinity of the project. The Board's approval of Invenergy's application would have an immediate, substantial and negative impact on his current property value. In addition, Mr. Harris has made substantial investments in the property for his future. He's planning to develop the property as a campground in the future for economic security in his retirement years. In fact, he has already laid out an internal road network for that purpose and acquired the lakefront access. So unlike the Bolducs and the Shermans, Mr. Harris not only has a current economic interest but also has a future income-producing interest in his property. Also, there is a genuine possibility that the Bolducs and/or the Shermans may at some point during these proceedings either sell their property, reach some

agreement with Invenergy or otherwise decide not further pursue their objections to the proposed project, and thereby leave any common interest that they may have with Mr. Harris unprotected and unrepresented.

Moreover, to suggest as Invenergy does in its Objection that Mr. Harris' economic interests will be addressed because the Board has requested an advisory opinion from the town's Tax Assessor on any impact the project may have on the town's property values, completely ignores the unique aspects of Mr. Harris' property interests in this case. His interests will be more substantially and directly affected than other residents of the town.

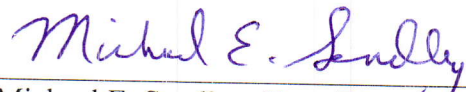
Finally, Mr. Harris submits that his Motion was not filed late. The Rules state that such a motion must be filed not less than twenty (20) days before the date on which preliminary or final hearings begin. Upon information and belief, the final hearing in this matter is not scheduled to begin before September 2016. There would be no prejudice to existing parties or any delay in these proceedings if the Board grants Mr. Harris' Motion to Intervene at this time.

IV. CONCLUSION

Based on the foregoing, Mr. Harris respectfully requests that the Board grant his Motion to Intervene.

Respectfully submitted,

David B. Harris,
Through counsel,



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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of May, 2016, that I effectuated service of this Reply as required by the Invenergy CREC Service List as of May 16, 2016.

Michael E. Sendley
Michael E. Sendley

SB-2015-06 Invenenergy CREC Service List as of 05/02/2016

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