



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
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December 16, 2015

Hand Delivered

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

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

Dear Mr. Bianco:

I write to file the Office of Energy Resources' ("OER's") Motion for Intervention in the above referenced matter. Enclosed, please find an original and 10 copies of OER's Motion for Intervention.

If you have any questions or concerns, please do not hesitate to contact me at 401.222.3417 or at Andrew.Marcaccio@doa.ri.gov.

Sincerely,

Andrew S. Marcaccio
Legal Counsel

Enclosures

cc: Alan Shoer, Esq. for Invenergy Thermal Development LLC (Via U.S. Mail)
Jerry Elmer, Esq. for Conservation Law Foundation (Via U.S. Mail)
Service List (Via Email)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

INVENERGY THERMAL DEVELOPMENT LLC- : Docket No. SB-2015-06
CLEAR RIVER ENERGY CENTER :

MOTION FOR INTERVENTION
OF THE RHODE ISLAND OFFICE OF ENERGY RESOURCES

I. INTRODUCTION

Pursuant to Section 1.10 of the Energy Facility Siting Board (“EFSB”) Rules of Practice and Procedure, the Rhode Island Office of Energy Resources (“OER”) files this Motion for Intervention. OER’s intervention in the above captioned matter is appropriate and in the public interest. Accordingly, this Motion for Intervention should be granted.

II. ARGUMENT

Section 1.10(b) of the EFSB Rules of Practice and Procedure provides that “any person¹ claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the [EFSB].” OER has an interest in serving the citizens of Rhode Island by carrying out its statutory duties under the Rhode Island Energy Resources Act codified by R.I. Gen. Laws § 42-140-1, et seq. as well as all other responsibilities conferred upon it by legislation or executive order. This interest is of such nature that intervention in the above captioned matter is appropriate, if not necessary under state law.

In particular, OER has a statutory responsibility to “promote, encourage, and assist the provision of energy resources for Rhode Island in a manner that enhances economic well-being, social equity, and environmental quality.” See R.I. Gen Laws § 42-140-3(1). The above captioned

¹ “Person” includes government subdivision or public organization of any character. See Section 1.2(r) of the EFSB Rules of Practice and Procedure.

matter includes a proposal to construct and operate a combined-cycle electric generating facility in Burrillville, Rhode Island, to be known as the Clear River Energy Center (“CREC”). See EFSB Application for the CREC, p1 (October 28, 2015). As proposed, the CREC will impact how energy resources are utilized within the State of Rhode Island (“State”). By intervening, OER will be in a better position to promote, encourage and/or assist should the circumstances warrant such action.

Furthermore, Section 1.10(b)(3) of the EFSB Rules of Practice and Procedure provides that such a right or interest may be “[a]ny other interest of such nature that petitioner’s participation may be in the public interest.” OER is an office in the executive department of the State government. See R.I. Gen Laws § 42-140-2. As such, OER has a duty to serve the citizens of Rhode Island. In addition, OER is to “[a]dvise the governor and the general assembly with regard to energy resources and all matters relevant to achieving the purposes of the office.” See R.I. Gen Laws § 42-140-3(18). Accordingly, OER’s participation in the above captioned matter will be in the public interest because it allows OER to better serve the citizens of Rhode Island and effectively advise the governor and the general assembly on matters related to energy resources in Rhode Island.

III. CONCLUSION

WHEREFORE, based on the reasons stated herein, OER respectfully requests that the EFSB grant this Motion for Intervention.

Rhode Island Office of Energy Resources,
By its legal counsel,



Andrew S. Marcaccio (#8168)
Department of Administration
Division of Legal Services
One Capitol Hill, 4th Fl.

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Email: Andrew.Marcaccio@doa.ri.gov

CERTIFICATION OF SERVICE

I hereby certify that I filed the original and 10 copies of this Motion for Intervention with the Energy Facilities Siting Board via hand delivery. In addition, I served a copy of this Motion to the following parties via first class U.S. mail:

Invenergy Thermal Development LLC
Alan Shoer, Esq.
Adler, Pollock & Sheehan
One Citizens Plaza, 8th Floor
Providence, RI 02903

Conservation Law Foundation
Jerry Elmer, Esq.
55 Dorrance Street
Providence, RI 02903

In addition, I served an electronic copy of this Motion to the service list for the Docket # SB-2015-06 via email. I certify that all of the foregoing was done on December 16, 2015.



Andrew S. Marcaccio, Esq.