

**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)**

**MOTION FOR LATE INTERVENTION BY
THE RHODE ISLAND BUILDING AND CONSTRUCTION TRADES COUNCIL**

1. Rule 1.10(b) provides that any person claiming an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Board. Rule 1.10(b)(2) and (b)(3) provides that such a right or interest may be: "An interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Board's action in the proceeding" or where "[a]ny other interest of such nature that petitioner's participation may be in the public interest."

2. Rule 1.10(b) provides that any person claiming an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Board. Rule 1.10(b)(2) and (b)(3) provides that such a right or interest may be: "An interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Board's action in the proceeding" or where "[a]ny other interest of such nature that petitioner's participation may be in the public interest."

The Rhode Island Building and Construction Trades Council ("RIBCTC") by their attorneys, hereby moves, for good cause, to intervene in the above-captioned proceeding pursuant to Rule 1.10 of the Rhode Island Energy Facility Siting Board ("Board"). In support of this motion the RIBCTC states the following:

3. The RIBCTC is a voluntary federation of sixteen (16) local unions dedicated to

improving the lives of working men and women in the construction industry by assisting them in finding good quality jobs that provide fairness and dignity in the workplace and securing social equity. *The members of the council, all of whom live in and around the Rhode Island area, have been involved in every major construction initiative—private or public—undertaken in and around the State of Rhode Island in the last seventy (70) years.* Cumulatively, the individual unions that comprise the RIBCTC represent approximately 9,000 workers in and around the Rhode Island area. RIBCTC’s president Michael F. Sabitoni and its principal office is at 410 South Main Street, Providence, RI 02903.¹

4. Rule 1.10(b) provides that any person claiming an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Board. Rule 1.10(b)(2) and (b)(3) provides that such a right or interest may be: "An interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Board's action in the proceeding" or where "[a]ny other interest of such nature that petitioner's participation may be in the public interest."

It is necessary and appropriate to grant RIBCTC’S motion to intervene because RIBCTC has an interest that is directly and significantly affected by this proceeding, which is not adequately represented by existing parties. In addition, the rights of the parties in this matter will not be harmed or prejudiced by this intervention, particularly where the proceedings are just beginning with the Preliminary Hearing scheduled for January 12, 2016. Finally there are compelling public interests in allowing this request: Since 2008 the construction industry has been in a deep recession with unemployment among the trades being between 35%-45%. *This*

¹ In addition to nearly 9,000 members, RIBCTC member unions have the ability to draw upon a regional workforce in excess of 37,000. RIBCTC member unions include Boilermakers Local No.29, Bricklayers Local No. 1, Carpenters Local No. 94, Elevator Workers Local No. 39, Glaziers Local No. 1333, Heat & Frost Insulators Local No. 6, IBEW Local No.99, Iron Workers Local No. 37, Laborers' District Council, Plasterers & Cement Masons No. 40, Painters Local No. 195, Plumbers & Pipefitters Local No. 51, Roofers & Waterproofers Local No. 33, Sheet metal Workers Local No. 17, Sprinkler Fitters Local No. 676, and Teamsters Local No. 251.

project is a very unique work and employment opportunity for the members of our Local Unions² in several aspects: First, the jobs created by this project are desperately needed jobs that will be performed by RIBCTC members. Second, the number of job opportunities is in the hundreds. Third, for a construction project, the length and terms of the jobs created is significantly longer than most other projects. In sum, an opportunity to work on project like this comes along very infrequently. No one involved in this matter has a similar interest. Accordingly, RIBCTC's qualification as a legitimate stakeholder in this docket cannot be disputed.

5. Rule 1.10(d)(3) provides for the Board to allow for late intervention as long as the intervenors who are granted party status are bound by the agreements reached and orders entered in the proceedings prior to their intervention. Granting of RIBCTC's Motion will not create undue prejudice or hardship to the other parties involved with this proceeding; on the contrary, allowing the RIBCTC to intervene will ensure that the Board hears from entities and citizens of this State who will be the most affected by this application.

6. If this late intervention request is granted, RIBCTC request that service of any correspondence or pleadings in connection with this proceeding be sent to:

Gregory A. Mancini, Esq.
Sinapi Law Associates, Ltd.
2374 Post Road, suite 201
Warwick, RI 02886
gmancinilaw@gmail.com

WHEREFORE, for the reasons stated herein, the RIBCTC respectfully request that the Rhode Island Energy Facility Siting Board grant this motion and allow the RIBCTC to intervene in this proceeding.

² This will be an all union project because the members of the RIBCTC unions have specialized knowledge, background and experience in the construction of similar major and complex projects. Our members are essential to the construction of this project.

Rhode Island Building and Construction Trades Council
 By its attorneys,
SINAPI LAW ASSOCIATES, LTD.


Dated: January 7, 2016



 Gregory A. Mancini (R.I. Bar No. 5740)
 Sinapi Law Associates, Ltd.
 2374 Post Road, suite 201
 Warwick, RI 02886
 P: (401)-739-9690; F: (401)-739-9040
gmancinilaw@gmail.com

CERTIFICATION

I hereby certify that on the **7th day of January, 2016** a copy of the foregoing document was caused to be served upon the individuals on the below service list.



VIA EMAIL AND REGULAR MAIL

Name/Address	E-mail	Phone/FAX
File an original and 10 copies with EFSB: Todd Bianco, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888 Margaret Curran, Chairperson Janet Coit, Board Member Assoc. Dir., Div. of Planning c/o Kim Crabill Patti Lucarelli Esq., Board Counsel Susan Forcier Esq., Counsel Rayna Maguire, Asst. to the Director DEM	Todd.Bianco@puc.ri.gov ;	401-780-2106
	Patricia.lucarelli@puc.ri.gov ;	
	Margaret.Curran@puc.ri.gov ;	
	janet.coit@dem.ri.gov ;	
	kimberly.Crabill@doa.ri.gov ;	
	susan.forcier@dem.ri.gov ;	
	rayna.maguire@dem.ri.gov ;	
Parties		
Invenergy Thermal Development LLC Alan Shoer, Esq. Richard Beretta, Esq. Elizabeth Noonan, Esq. Nicole Verdi, Esq. Adler, Pollock & Sheehan	ashoer@apslaw.com ;	401-274-7200
	rberetta@apslaw.com ;	
	enoonan@apslaw.com ;	
	nverdi@apslaw.com ;	

One Citizens Plaza, 8 th Floor Providence, RI 02903	jniland@invenergyllc.com ;	312-224-1400
John Niland, Dir. Of Business Development Tyrone Thomas, Esq., Asst. General Counsel Invenergy Thermal Development LLC One South Wacker Drive, Suite 1900 Chicago, IL 60600	Tthomas@invenergyllc.com ;	
Town of Burrillville Michael McElroy, Esq., Special Counsel Schacht & McElroy PO Box 6721 Providence, RI 02940-6721	Michael@mcelroylawoffice.com ;	401-351-4100
Oleg Nikolyszyn, Esq., Town Solicitor 155 South Main St., Suite 303 Providence, RI 02903	Nikolyszyn@gmail.com ;	401-474-4370
Parties with pending motions to intervene		
Conservation Law Foundation Jerry Elmer, Esq. Max Greene, Esq. 55 Dorrance Street Providence RI, 02903	Jelmer@clf.org ; Mgreene@clf.org ;	401-351-1102
Ms. Bess B. Gorman, Esq. Assistant General Counsel and Director Legal Department, National Grid 40 Sylvan Road Waltham, MA 02451	Bess.Gorman@nationalgrid.com ;	781-907-1843
Office of Energy Resources Andrew Marcaccio, Esq. Nick Ucci, Chief of Staff Chris Kearns, Chief Program Development One Capitol Hill Providence, RI 02908	Andrew.Marcaccio@doa.ri.gov ; Nicholas.Ucci@energy.ri.gov ; Christopher.Kearns@energy.ri.gov ;	401-222-3417 401-574-9100
Peter Nightingale, member Fossil Free Rhode Island 52 Nichols Road Kingston, RI 02881	divest@fossilfreeri.org ;	401-789-7649
Sister Mary Pendergast, RSM 99 Fillmore Street Pawtucket, RI 02860	mpendergast@mercynes.org ;	401-724-2237

Patricia J. Fontes, member Occupy Providence 57 Lawton Foster Road South Hopkinton, RI 02833	Patfontes167@gmail.com ;	401-516-7678
Burrillville Land Trust Marc Gertsacov, Esq. Law Offices of Ronald C. Markoff 144 Medway Street Providence, RI 02906	marc@ronmarkoff.com ;	401-272-9330
Paul Roselli, President Burrillville Land Trust PO Box 506 Harrisville, RI 02830	proseli@cox.net ;	401-447-1560
Rhode Island Progressive Democrats of America Andrew Aleman, Esq. 168 Elmgrove Avenue Providence, RI 02906	andrew@andrewaleman.com ;	401-429-6779
Residents of Wallum Lake Road, Pascoag, RI Dennis Sherman and Kathryn Sherman 1035 Wallum Lake Road Pascoag, RI 02859	kags8943@gmail.com ;	401-316-7708
Residents of Wallum Lake Road, Pascoag, RI Paul Bolduc and Mary Bolduc 915 Wallum Lake Road Pascoag, RI 02859	oatyss1@verizon.net ;	401-529-0367
Fighting Against Natural Gas and Burrillville Against Spectra Expansion Jillian Dubois, Esq. The Law Office of Jillian Dubois 91 Friendship Street, 4 th Floor Providence, RI 02903	jillian.dubois.esq@gmail.com ;	401-274-4591

VIA EMAIL ONLY

Interested Persons		
Burrillville Town Council c/o Louise Phaneuf, Town Clerk 105 Harrisville Main Street Harrisville, RI 02830	lphaneuf@burrillville.org ;	401-568-4300
Thomas J. Kravitz, Town Planner Town of Burrillville 144 Harrisville Main Street Harrisville, RI 02830	tkravitz@burrillville.org ;	401-568-4300

Michael C. Wood, Town Manager Town of Burrillville 105 Harrisville Main Street Harrisville, RI 02830	mcwood@burrillville.org ;	401-568-4300 ext. 115
Mr. Leo Wold, Esq. Department of Attorney General 150 South Main Street Providence, RI 02903	LWold@riag.ri.gov ;	401-274-4400
Public Utilities Commission Cynthia Wilson Frias, Esq., Dep. Chief of Legal Affairs Alan Nault, Rate Analyst	Cynthia.Wilsonfrias@puc.ri.gov ; Alan.nault@puc.ri.gov ;	401-941-4500
Division of Public Utilities and Carriers John J. Spirito, Esq., Chief of Legal Affairs Steve Scialabba, Chief Accountant Tom Kogut, Chief of Information	john.spirito@dpuc.ri.gov ; steve.scialabba@dpuc.ri.gov ; thomas.kogut@dpuc.ri.gov ;	401-941-4500
Matthew Jerzyk, Deputy Legal Counsel Office of the Speaker of the House State House, Room 302 Providence RI, 02903	mjerzyk@rilin.state.ri.us ;	401-222-2466
Hon. Cale Keable, Esq., Representative of Burrillville and Glocester	Cale.keable@gmail.com ;	401-222-2258
Nick Katkevich	nkatkevich@gmail.com ;	
Ambar Espinoza	aespinoza@ripr.org ;	
Joseph Bucci, Acting Administrator Highway and Bridge Maintenance Operations RI Department of Transportation	joseph.bucci@dot.ri.gov ;	
Jared Rhodes, Chief Statewide Planning Program	jared.rhodes@doa.ri.gov ;	
Doug Gablinske, Executive Director TEC-RI	doug@tecri.org ;	
Tim Faulkner ecoRI News 111 Hope Street Providence, RI 02906	tim@ecori.org ;	401-330-6276