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September 19, 2016

HAND-DELIVERED

Mr. Todd Bianco
Energy Facility Siting Board
89 Jefferson Blvd.
Warwick, RI 02886

**RE: IN 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:

Please find enclosed for filing an original and ten (10) copies of the Rhode Island Building and Construction Trades Council Objection to the Town of Burrillville's Motion to Dismiss and Support of Invenergy's Motion a Thirty (30) Day Extension in the above-captioned docket.

An electronic copy is also being served upon the Commission and the Service List.

If you have any questions regarding the foregoing, please contact the undersigned at the below Cranston address.

Very truly yours,



Gregory A. Mancini

GAM/gam

cc: Client
SB-2015-16 Invenergy CREC Service List

As part of the extensive approval process, the EFSB requested twelve (12) advisory opinions from various state and local government entities. At least two agencies opinions, the State of Rhode Island Public Utilities Commission (hereinafter “PUC”), and the State of Rhode Island Statewide Planning Council (hereinafter “RISPC”), have opined on the potential value and impact of this proposed facility to the citizens of the State of Rhode Island and in the New England area.

After a public hearing, the PUC advised that the project would “provide meaningful savings...which should benefit Rhode Island consumers..[and that] the project is cost justified.” In Re: Issuance of an Advisory Opinion to the EFSB Regarding Invenenergy, Docket No. 4609, September 12, 2016 at 22. Shortly thereafter the RISPC issued inter alia a socio-economic impact assessment on the project. According to RISPC, construction and operation of this facility would lower energy prices; have a “positive impact on the state’s businesses”; and, “have a positive impact on the Town of Burrillville’s municipal revenue” with minimal adverse affects on the Town and/or its municipal services. See, Advisory Opinion on the Socio-economic Impact and Statewide Guide Plan Consistency of the proposed Clear River Energy Center, RISPC, August 3, 2016 at 45.

Due to the enormous socio-economic impact of this project on the construction industry, the Rhode Island Building and Construction Trades Council (hereinafter “RIBCTC”) had motioned to Intervene in this docket. The council can attest to the fact that this will be the largest construction project in the State of Rhode Island at least since the Providence Place Mall (1995) if not the Jamestown Verrazano Bridge (1989) if not ever—it a once in a generation type of project. It will employ approximately 600-700 full time construction jobs per year from 2017-2019. These workers will make approximately \$90,000 per year in wages and benefits. In fact, this project will probably account for 15-20% of the entire commercial construction employment for the project’s duration. As a consequence, it will not only benefit the construction industry, but it will provide significant new tax revenue to the State of Rhode Island thereby also benefiting the citizens of entire State.

It is against this backdrop that the Town of Burrillville files its Motion to Dismiss over a purported minor technical violation would be either legally irresponsible or politically motivated. thirty (30) day continuance.

II. Legal Argument

The limited legal basis for this Motion was Invenergy's purported failure "to provide timely information regarding its proposed water supply" pursuant to EFSB Rule 1.17(a). See, Town of Burrillville's Motion to Dismiss, at 3. It further stated that Invenergy informed the Town and two other town entities "that it 'expects' to have a water source 'within the coming weeks'" Id. And that this language is "uselessly vague". Id.

In this matter, Invenergy submitted a comprehensive and complete application to the EFSB on October 29, 2015. In fact, the EFSB confirmed as much in its January 12, 2016 Decision and Order. Then two-hundred and ninety five (295) days it submitted its completed application, and two-hundred and twenty (220) days after the EFSB confirmed as much, the Pascoag Utility District (hereinafter "PUD") voted "not to supply the [Invenergy] project with water and terminated its Letter of Intent" with the company on August 19, 2016. See, Town of Burrillville's Motion to Dismiss, at 2. Shortly thereafter Invenergy filed a Motion for an Extension of the deadlines on September 9, 2016 that requested, in essence a thirty-day (30) extension. See, Invenergy Motion for Extension, September 9, 2016. On that same day both the RIBCTC and the Conservation Law Foundation sent emails to the list serve state that they did not have any objection to Invenergy's Motion.¹ Despite Invenergy's prompt response to the PUD decision, the Town filed a Motion to Dismiss four (4) days later.

¹ In its September 9, 2016 email, the CLF stated that "the reason set forth in Invenergy's Motion to Extend makes sense; if Invenergy intends, as it says, to submit an 'alternative water supply plan', the EFSB and the parties will need appropriate time to review that new plan." Surprisingly however, ten (10) days later the CLF did a complete 180° reversal and filed a Motion to Dismiss that against their own initial position.

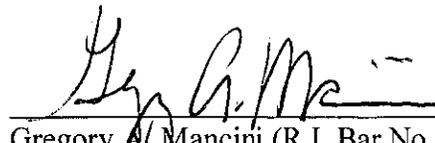
Contrary to the Town's assertion, Invenergy's extension request it is anything but vague; it is time certain, and given the circumstances, its response was also exceptionally prompt. Moreover, when you take into consideration, the size and complexity of this project and process, as well as its potential impact to the State and region, dismissing this matter on a purported minor technical procedural violation would be doing the citizens of our state a tremendous disservice.

III. Conclusion

The Town of Burrillville's Motion to Dismiss this once in a generation project is blatantly steeped in local politics; not the law. The potential benefits to ratepayers, as outlined in the PUC's Advisory Opinion, to the ratepayers of our State and region; to the citizens of our State, as outlined in the RISPC Advisory; and, to the members of the RIBCTC, as outlined above are enormous. Combine this extraordinary and unique potential benefit with the fact that this is an exceptionally complex application and process, and the fact that its source of water decided not to fulfill the obligations in its Letter of Intent, a mere thirty (30) day extension request to develop an alternative water supply plan is more than reasonable and not a violation of the EFSB Rules of Practice. Accordingly, the RIBCTC urges the EFSB to reject the Town's politically motivated Motion and grant Invenergy's proposed thirty (30) day extension.

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

Dated: September 19, 2016



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CERTIFICATION

I hereby certify that an original and ten (10) copies of this Objection filed with the EFSB on the **19th day of September, 2016** a copy of the foregoing document was caused to be served upon the individuals on the service list attached hereto.