

Law Office of Jillian M. Dubois
Attorney and Counselor at Law

December 22, 2015

BY HAND DELIVERY

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

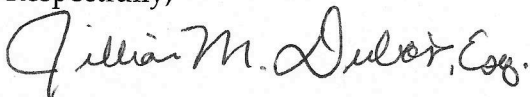
Dear Mr. Bianco,

Enclosed for filing in this matter is an original and ten (10) copies of the Motion for Extension of Intervention Period and Postponement of Initial Hearing of the Fighting Against Natural Gas (FANG) and Burrillville Against Spectra Expansion (BASE) organizations. Copies have been served on the service list.

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

Thank you for your attention to this matter.

Respectfully,



Jillian M. Dubois, Esq.

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

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

**MOTION FOR EXTENSION OF INTERVENTION PERIOD AND
POSTPONEMENT OF INITIAL HEARING OF FIGHTING AGAINST NATIONAL GAS
AND BURRILLVILLE AGAINST SPECTRA EXPANSION**

I. INTRODUCTION

Pursuant to Section 1.18(b) of the Energy Facility Siting Board Rules of Practice and Procedure, Fighting Against Natural Gas (FANG) and Burrillville Against Spectra Expansion (BASE) respectfully files this Motion for Extension of Intervention Period and Postponement of Initial Hearing.

II. ARGUMENT

On November 17, 2015, the EFSB opened Docket SB 2015-06, regarding the proposal of Invenergy to site a 900 megawatt (MW) gas-fired combined cycle electricity generating facility in Burrillville, Rhode Island.

With a project as large as the proposed Clear River Power Plant, with a construction timeline of at least thirty (30) months and a decades-long lifespan, it is critical that all individuals and parties, particularly those that would be directly impacted by the project, have an equal and fair opportunity to intervene in the EFSB's permitting process and intervenors. It is also critical that individuals and parties have the ability to intervene prior to the EFSB's initial hearing, and before follow up hearings are scheduled in order to ensure that all intervenors have full equity in the EFSB's permitting process.

Many direct abutters to the site of the proposed Clear River Power Plant site only received notification from Invenergy about EFSB's initial hearing process one week prior to the deadline to intervene. Furthermore, this delayed mailing fails to mention the intervenor process, or the deadline for intervention. This letter as well as communications directly from the EFSB stated that the deadline to intervene was "Tuesday, December 23rd", when in fact the deadline should have been listed as "Wednesday, December 23rd".

At the December 9th Burrillville Town Council Meeting, several residents voiced their confusion with the intervenor process and expressed frustration with the lack of information

provided about the process. Residents posed questions to the Town Council that the Council was not equipped to answer. Residents of Burrillville that would be most impacted by the Power Plant project, having only received written notice of the initial EFSB hearing a few days before the deadline to intervene and with no direct notice of the intervenor process, have not been granted fair and adequate time to review the EFSB's process, seek legal counsel and draft motions to intervene.

Beyond Burrillville, other interested individuals and parties also require more time to learn about the intervention process, seek legal counsel and file motions to intervene.

With the recent international climate talks in Paris and the large march and rally in Burrillville on December 5th, attended by 100 people from eleven different states, there is a renewed focus and awareness about the dangers of climate change, the threat posed by burning fossil fuels and subsequently, concerns about the proposed Clear River Power Plant. The Clear River Power Plant is the largest fossil fuel project to be proposed in Rhode Island in many years. The public deserves a full opportunity to intervene and have legal standing in the application process for such a large and impactful project.

Additionally, the Clear River Power Plant would burn gas from the Appalachian Basin that would be transported via Spectra Energy's "Algonquin" Pipeline, the "Atlantic Bridge" project and "Access Northeast". These expansions are being proposed in part to meet supposed new demand created by new and expanded gas fired power plants, such as Invenergy's Clear River project. Invenergy has also publically stated that their company will directly pay for additional expansions to the Spectra Pipeline system.¹²

An extension of the intervenor deadline and postponement of the initial hearing will allow for greater public input from all communities, parties and individuals that would be impacted by the Invenergy project through the extraction of gas in the Appalachian Basin and future expansions to the "Algonquin" pipeline system.

Additionally, the first announcement for the public hearing was sent out on November 17th to only sixteen parties, most of whom were local or state government agencies or elected officials. November 17th was one week before the Thanksgiving holiday. The deadline for filing as an intervenor was set as December 23rd, two days prior to Christmas and one day before the Eid Milad ul-Nabi (the observance and celebration of the Prophet Muhammad's life). Also happening during the intervention period was the Hanukkah holiday from December 7th-14th.

¹ RI NPR <http://ripr.org/post/plans-new-burrillville-power-plant-met-opposition>

² Providence Journal <http://www.providencejournal.com/article/20150804/news/150809673/?Start=2>

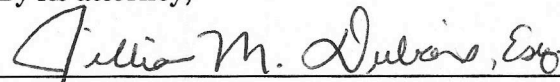
During such busy holiday times, it cannot be reasonably expected that individuals and parties have the ability to navigate an intervenor process, seek and secure legal counsel and draft and file motions for intervention, especially given the limited notice given to the residents of Burrillville.

With minimal notice granted to Burrillville residents regarding the initial hearing and no notice regarding the Intervenor process, spirited regional interest in the project and its impacts on global climate change, the connection between the Power Plant and expansions to the Spectra Pipeline that would impact communities across the Northeast, including the Appalachian Basin, the fact that the intervenor period happened to be established during the busiest holiday season of the year, and the overall immensity of this project provide a reasonable and rational basis for granting a forty-five (45) day extension of the intervenor period and a forty-five day delay of the EFSB's initial hearing on this Docket.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, the undersigned respectfully request that this Motion for Extension of Intervenor Period and Postponement of Initial Hearing be granted.

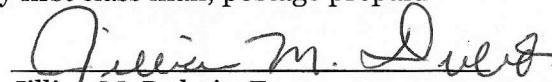
Fighting Against Natural Gas
Burrillville Against Spectra Expansion
By its attorney,



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CERTIFICATE OF SERVICE

I hereby certify that I filed the original and ten (10) copies of this Motion for Intervention with the Energy Facilities Siting Board via hand delivery. In addition, I hereby certify that I sent a copy of the foregoing to the attached service list by first class mail, postage prepaid


Jillian M. Dubois, Esq.

RI Energy Facility Siting Board
c/o Todd Anthony Bianco
89 Jefferson Boulevard
Warwick, RI 02888

December 22nd, 2015

Docket SB-2015-06

To the Energy Facility Siting Board:

We share the concerns raised by Fighting Against Natural Gas (FANG) and Burrillville Against Spectra Expansion (BASE) regarding Docket SB-2015-06 and fully support their call for a 45 day extension to the intervenor period for this docket and a 45 day postponement of the initial hearing for this docket.

The proposed Clear River Power Plant would have serious regional impacts due to the dangerous toxins that the plant would emit, the climate change causing greenhouse gas emissions that the plant would produce and the expansions to Spectra's "Algonquin" pipeline necessary to bring gas to the plant.

We urge you to grant a 45 day extension of the intervenor period and a subsequent 45 day postponement of the initial hearing for this docket so that all impacted individuals and parties have an equal and fair opportunity to intervene in the Energy Facility Siting Board's process.

Sincerely,

The Environmental Justice League of Rhode Island
Rhode Island Progressive Democrats of America
Fossil Free RI
Rhode Island District 4 Representative Aaron Regunberg
350 Massachusetts for a Better Future
350 Connecticut
Stop the Algonquin Pipeline Expansion (SAPE)
Sane Energy Project
Toxics Action Center
Capitalism vs The Climate
Resist AIM
Protect Orange County
Stop The Minisink Compressor Station
Grassroots Against Another Salem Power Plant (GASPP)
West Roxbury Quarry Neighbors for a Fossil Fuel Free Future
Occupy Providence
Occupy Danbury

SB-2015-06 Invenergy CREC Service List as of 12/08/2015

Name/Address	E-mail	Phone/FAX
<p>File an original and 10 copies with EFSB: Todd Bianco, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888</p> <p>Margaret Curran, Chairperson Janet Coit, Board Member Assoc. Dir., Div. of Planning c/o Kim Crabill Patti Lucarelli Esq., Counsel Susan Forcier Esq., Counsel Rayna Maguire, Asst. to the Director DEM</p>	<p>Todd.Bianco@puc.ri.gov; 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;</p>	<p>401-780-2106</p>
Parties		
<p>Invenergy Thermal Development LLC Alan Shoer, Esq. Richard Beretta, Esq. Adler, Pollock & Sheehan One Citizens Plaza, 8th Floor Providence, RI 02903</p>	<p>ashoer@apslaw.com; rberetta@apslaw.com;</p>	<p>401-274-7200</p>
<p>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</p>	<p>jniland@invenergyllc.com; TThomas@invenergyllc.com;</p>	<p>312-224-1400</p>
<p>Conservation Law Foundation Jerry Elmer, Esq. Max Greene, Esq. 55 Dorrance Street Providence RI, 02903</p>	<p>JElmer@clf.org; MGreene@clf.org;</p>	<p>401-351-1102</p>
<p>Town of Burrillville Michael McElroy, Esq., Special Counsel Schacht & McElroy PO Box 6721 Providence, RI 02940-6721</p>	<p>Michael@mcelroylawoffice.com; m;</p>	<p>401-351-4100</p>

Oleg Nikolyszyn, Esq., Town Solicitor 155 South Main St., Suite 303 Providence, RI 02903	Nikolyszyn@gmail.com ;	401-474-4370
Interested Parties		
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Michael C. Wood, Town Manager Town of Burrillville 105 Harrisville Main Street Harrisville, RI 02830	mcwood@burrillville.org ;	401-568-4300 ext. 115
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Division of Public Utilities and Carriers John J. Spirito, Esq., Chief of Legal 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
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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

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