



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Energy Facility Siting Board
89 Jefferson Blvd.
Warwick RI 02888
(401) 941-4500

Margaret E. Curran, Chairperson
Kevin M. Flynn
Janet Coit

March 24, 2016

Cynthia Wilson-Frias, Deputy Chief Legal Counsel
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

Re: PUC Docket No. 4609

Dear Ms. Wilson-Frias:

The Energy Facility Siting Board (Board) is in receipt of your March 21, 2016 Memorandum requesting clarification of certain sections of Order No. 88 in SB-2015-06. Regarding the issue of “whether the Project is cost-justified consistent with the objective of ensuring that the construction and operation of the facility will be in compliance with all applicable laws, rules and regulations”, R.I. Gen. Laws § 42-98-11(b)(2), it is the intention of the Board that for the purpose of the advisory opinion the Public Utilities Commission (PUC) analysis should assume that Invenergy Thermal Development LLC (Invenergy) will obtain all necessary permits.

You inquired as to whether your rephrased language requiring the PUC to “analyze the projected wholesale market cost impact of the Facility on RI retail ratepayers based on the information provided in the Application” is consistent with the intent of the Board’s language that “[i]n rendering its opinion, the PUC must specifically analyze the projected cost impact of the Facility upon Rhode Island retail electric customers under a wide range of reasonable factual assumptions involving the types and costs of fuel to be used.” It is clearly the Board’s intention that the analysis requested entail a consideration of the information that has been provided by Invenergy in its Application to the Board.

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

Sincerely,

Patricia S. Lucarelli
Chief of Legal Service
Email copy: Service List