

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

INVENERGY THERMAL DEVELOPMENT LLC :
APPLICATION TO CONSTRUCT AND :
OPERATE THE CLEAR RIVER ENERGY : **SB-2015-06**
CENTER, BURRILLVILLE, RHODE ISLAND :
LYLE AND ERIN WALKER – :
MOTION TO INTERVENE :

ORDER

Invenergy Thermal Development LLC (Invenergy) filed an application with the Energy Facility Siting Board (Board) to site and construct the Clear River Energy Center (facility), an approximately 850-1000 MW combined cycle electric generating facility on Wallum Lake Road in Burrillville, Rhode Island. On April 12, 2016, Lyle and Erin Walker (the Walkers), through their attorney, filed a Motion to Intervene.

The Board's Rules of Practice and Procedure (Rules) allow for intervention by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate.¹ The Walkers seek to intervene pursuant to Rule 1.10(b)(2). They stated that they have an interest that may be directly affected and will not be adequately represented by any of the existing parties. For the reasons stated below, the Walkers' motion to intervene is denied.

¹ Rule 1.10(b). Pursuant to the Rule, a movant will be allowed to intervene upon showing: 1) a right to intervene conferred by statute; 2) an interest that may be directly affected and which is not adequately represented by existing parties and as to which the movants may be bound by the Board's action in the proceeding; or 3) any other interest of such nature that the movant's participation may be in the public interest.

The Walkers asserted that the proposed facility would have an adverse effect on the value and future use and enjoyment of their property. They also alleged that traffic, the environment, health and safety, the purity of air and water, the aesthetic and recreational value of their property, and the rural character of the Town of Burrillville would be negatively impacted by the construction and operation of the facility. The interests specified by the Walkers are identical to those cited by two existing parties, Kathryn and Dennis Sherman and Paul and Mary Bolduc. Additionally, the Town of Burrillville and the Conservation Law Foundation cited similar interests. The Walkers did not identify any interest that is not adequately represented by existing parties. While representing an interest is not identical to representing an individual, the Rule requires that “*the interest,*” not the person, be that “which is not adequately represented by existing parties.”²

Chairperson Curran and Member Agrawal voted to deny the Walkers’ motion. Board Member Coit voted to approve the motion. While the Board has denied the motion to intervene, it is important to note that there is still considerable opportunity for public participation through agency proceedings and/or public comment during one of the Board’s public comment hearings. The Board encourages the Walkers to take advantage of these opportunities.

Accordingly, it is hereby

(93) ORDERED:

The Motion to Intervene in the proceedings of this docket filed by Lyle and Erin Walker is denied.

² Rule 1.10(b)(2)(italics added).

EFFECTIVE AT WARWICK, RHODE ISLAND JUNE 2, 2016. WRITTEN ORDER ISSUED
JUNE 28, 2016.

ENERGY FACILITY SITING BOARD



Margaret E. Curran

Margaret E. Curran, Chairperson

Janet Coit

Janet Coit, Member

Parag Agrawal

Parag Agrawal, Member