

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

**DECISION AND ORDER**

This matter came before the Energy Facility Siting Board (“Board”) on a Petition for Rulemaking filed by the Conservation Law Foundation (CLF) on January 4, 2016. At an open meeting on January 29, 2016, the Board voted to deny CLF’s petition for the reasons set forth below.

The petition requests that the Board amend its Rules of Practice and Procedure (Rules) to include the following section in the content requirement for formal applications.

Specific and detailed information on the anticipated annual greenhouse gas emissions that would result from the proposal for the anticipated life of the project, and an analysis of the cumulative impacts of these greenhouse gas emissions on climate change for Rhode Island, the United States, and the world.

CLF asserts that in a recent docket, SB-2015-06, the applicant, Invenergy Thermal Development LLC, omitted climate change from its discussion of the expected environmental impacts of its proposal. It argues that discussion of this potential impact is required by the Resilient Rhode Island Act, R.I. Gen. Laws §§42-6.2-1 to 42-6.2-8. CLF states that addition of the proposed language would clearly define to applicants what their obligations are under the law, would ensure that the Board has the information it needs to carry out the public policy of the state with regard to climate mitigation, be in the public interest, and provide members of the public with information.

After consideration and deliberation, the Board found it unnecessary to amend its Rules at this time. The Board finds that there is no requirement in either the Energy Facility Siting Act, R.I. Gen. Laws §§42-98-1 to 42-98-20, or the Resilient Rhode Island Act that requires inclusion of this language in the Board’s Rules. Furthermore, should the Board believe such information on

anticipated annual greenhouse gas emissions and an analysis of the cumulative impacts of these emissions on climate change is necessary for its determination on an application, the Board or any other party in any particular proceeding can request such information through the discovery process. The Board is aware of its obligations under the Resilient Rhode Island Act, and it incorporates those obligations into its work. At the present time, the Board's Rules fully comply with the requirements set forth in R.I. Gen. Laws §42-98-7(c). Amendment of the Board's Rules is not necessary

Accordingly, it is

( 87 ) ORDERED:

The Conservation Law Foundation's Petition for Rulemaking is denied and dismissed.

EFFECTIVE AT WARWICK, RHODE ISLAND PURSUANT TO AN OPEN MEETING  
DECISION ON JANUARY 29, 2016. WRITTEN ORDER ISSUED MARCH 10, 2016.



Margaret E. Curran, Chairperson

Janet Coit, Member