

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

**IN RE:           THE NARRAGANSETT ELECTRIC COMPANY       :**  
                  **d/b/a NATIONAL GRID                                   :**       **SB-2016-01**  
                  **AQUIDNECK ISLAND RELIABILITY PROJECT       :**

**PRELIMINARY DECISION AND ORDER**

**I.       INTRODUCTION**

On December 29, 2015, the Narragansett Electric Company d/b/a National Grid (National Grid or Applicant) filed with the Energy Facility Siting Board (EFSB or Board) an application<sup>1</sup> to construct and alter certain of its transmission components in Portsmouth and Middletown, Rhode Island (Project or Facility).

**II.      THE FACILITY**

Specifically, the proposed work will: 1) rebuild and upgrade the existing 69 kV transmission lines (61 and 62 Lines) to 115 kV between the Dexter Substation in Portsmouth and the Jepson Substation in Portsmouth/Middletown (4.4 miles) in the existing right-of-way (ROW); 2) build a new Jepson Substation in Portsmouth/Middletown on property owned in fee by National Grid and remove the existing Jepson Substation; 3) reconfigure the existing Dexter Substation in Portsmouth to accommodate the upgraded transmission lines; 4) realign another 69 kV transmission line (63 Line) to connect to the new Jepson Substation; 5) temporarily relocate the 63 Line to allow for the construction of the new Jepson Substation; and 6) temporarily relocate the M13 and/or L14 115 kV transmission lines to allow for the improvements to the Dexter Substation. National Grid represented that the proposed work will reinforce and enhance the transmission

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<sup>1</sup> The application and all documents filed are available at the Public Utilities Commission (PUC) offices located at 89 Jefferson Boulevard, Warwick, Rhode Island or at <http://www.ripuc.org/efsb/index.html>, organized by docket number.

system on Aquidneck Island. It provided that a recent study revealed potential violations of transmission planning standards under certain contingencies that could result in customers losing service. Also revealed by the study was the inadequacy of the current transmission system to serve peak load as it continues to grow. The Company noted that the equipment at the Jepson Substation is either aging or obsolete and the existing control house is not large enough to accommodate the required upgrades.

National Grid claimed to have analyzed a number of alternatives and concluded that the proposed project will best address the issues in the most cost-effective manner and with the most minimally disruptive effects to the social and natural environment. It contended that the Project will have minimal adverse environmental impacts and those impacts will be mitigated using standard Best Management Practices. In addition to mitigating the adverse impacts, the Applicant will retain the services of an environmental monitor throughout the construction phase of the project to ensure compliance with all permit conditions and Best Management Practices.

Because the Project is located within an existing ROW, National Grid predicts no long-term residential or business disruptions. National Grid expects the Project to create 300 jobs and result in a combined increase of more than \$1.4 million in municipal tax revenues to Middletown and Portsmouth during the first five years of the Project's life. Although the proposed transmission lines will be somewhat taller than the existing ones, National Grid contends that the visual impact will be substantially mitigated because of the use of the existing ROW and the fact that additional tree clearing will not be required along most of the ROW. The Applicant represented that the transmission lines will not generate any sound and that a noise analysis concluded that the sound generated by the new Jepson Substation will be within the limits imposed by the Middletown and Portsmouth noise ordinances.

Because the Project will impact town roads, National Grid will mitigate construction-related impacts through the implementation of a transportation management plan, will coordinate with the municipalities, and will engage in a public outreach program. The Applicant represented that the rebuild of the 61 and 62 lines will result in a reduction of both the electric and magnetic fields along the edges of the ROW and that the magnetic field levels associated with the new Jepson Substation will be within acceptable levels.

### **III. TRAVEL OF THE CASE**

The application was docketed on January 28, 2016. Subsequently and pursuant to the Rule 1.10(a)(1)<sup>2</sup> of the EFSB Rules of Practice and Procedure (Rules), the Towns of Middletown and Portsmouth filed Notices of Intervention. Kevin Smith, through his attorney, filed a Motion to Intervene pursuant to 1.10(b)(2)<sup>3</sup> of the Rules. Mr. Smith asserted that the proposed substation will have an adverse economic impact on the value of his property and that his interests will not be adequately represented by any other party in the proceeding. National Grid did not object to Mr. Smith's motion.

After public notice, the Board convened a preliminary hearing on March 24, 2016.<sup>4</sup> The purpose of the preliminary hearing was "to determine the issues to be considered by the Board in evaluating the application, and to designate those agencies of state government and of political subdivisions of the state which shall act at the direction of the board for the purpose of rendering advisory opinions on these issues, and to determine petitions for intervention."<sup>5</sup>

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<sup>2</sup> Rule 1.10(a)(1) provides that "[p]articipation in a proceeding as an intervenor may be initiated as follows 1. By filing a notice of intervention by CRMC, DEM, *the city or town in which the proposed facility is to be located* or designated agencies." (emphasis added).

<sup>3</sup> Rule 1.10(b)(2) allows intervention to a person with "an interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be bound by the Board's action in the proceeding."

<sup>4</sup> Notice of the preliminary hearing was published in the Providence Journal and the Newport Daily News, sent directly to the service list, and posted on the Public Utilities Commission and Secretary of State websites.

<sup>5</sup> R.I. Gen. Laws § 42-98-9(a).

At the preliminary hearing, the Board granted Mr. Smith's Motion to Intervene. The Board also granted National Grid's Motion for Protective Treatment for critical energy infrastructure information contained in the unredacted copy of Appendix A of the application. Admitted as full exhibits, with no objection, were the application; the Environmental Report; the Visual Impact Assessment; an addendum to question 20 of the application; a revised response to question 21 of the application; a revised chapter 10, part of the Environmental Report; a revised Section 4.7, also part of the Environmental Report; a plan showing the location of the existing and proposed Jepson Substation; and a copy of the presentation slides used to describe the project at the preliminary hearing.

National Grid presented as a witness Daniel McIntyre, a civil engineer who works for National Grid and who was identified as being involved in the Project since its inception. Mr. McIntyre described the Project and its components as set forth in the Application, as well as the community outreach program National Grid has engaged in. Gerald Pepi, a consultant engineer hired by National Grid to conduct the transmission engineering component of the Project, also responded to questions from the Board.

Immediately following the hearing, the Board conducted an open meeting. At that meeting, the Board identified the issues, the advisory opinions to be requested from various state and municipal agencies, and the exempt licenses.

#### **IV. THE ENERGY FACILITY SITING ACT**

The Energy Facility Siting Act (Siting Act), R.I. Gen. Laws §§ 42-98-1 to 42-98-20, consolidates in the Board, with two exceptions,<sup>6</sup> all state and local governmental regulatory

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<sup>6</sup> Certain licenses and permits issued by the Department of Environmental Management and the Coastal Resources Management Council under authority granted by the federal government are exempt from Board authority. R.I. Gen. Laws § 42-98-7(a)(3).

authority for the siting, construction, operation, and alteration of energy facilities, including transmission lines of 69 kV or greater.<sup>7</sup> Thus, the Board is the “licensing and permitting authority for all licenses, permits, assents or variances which, under any statute of the state or ordinance of any political subdivision of the state, would be required for siting, construction or alteration of a major energy facility in the State of Rhode Island.”<sup>8</sup> A Board decision in favor of an application to site a major energy facility in Rhode Island “shall constitute a granting of all permits, licenses, variances, or assents, which under any law, rule, regulation or ordinance of the state or of a political subdivision thereof which would, absent this chapter, be required for the proposed facility.”<sup>9</sup>

Although the Board does consider and act upon each of such permits, licenses, variances, and assents, the Board does so in a comprehensive manner that is distinct in nature from the review that would be performed by the several agencies absent the Siting Act. Whereas each such agency would review its respective permitting, licensing, variance, or assent issues according to its own particular mandates and concerns, the Board will evaluate all of such issues in a single and comprehensive decision based upon the “overall impact of the facilit[y] upon the public health and safety, the environment, and the economy of the state.”<sup>10</sup>

While the Siting Act makes the Board the final licensing authority, an applicant for a Board license must still apply to all state and local governmental bodies for permits and licenses that would, absent the Siting Act, be required. Instead of issuing a permit or license, however, the state or local governmental body must act at the direction of the Board and issue an advisory opinion to the Board regarding such permit or license. The Board has authority to designate “those agencies of state government and political subdivisions of the state which shall act at the direction of the

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<sup>7</sup> R.I. Gen. Laws § 42-98-3(d).

<sup>8</sup> *Id.* § 7(a)(1).

<sup>9</sup> *Id.* § 11(c).

<sup>10</sup> *Id.* § 1(a).

board for the purpose of rendering advisory opinions.”<sup>11</sup> Each agency must follow its statutory procedures for determining “the license, assent, or variance [and] shall forward its findings from the proceeding, together with the record supporting the findings and a recommendation for final action, to the [Board]”.<sup>12</sup>

Such Advisory Opinions must be submitted to the Board not more than six months after the Board has designated and directed an agency to render an opinion. Such advisory opinions must be considered by the Board before it renders its final decision. A state or local governmental body that renders an advisory opinion to the Board as a designated agency may also intervene as a matter of right and participate in Board hearings.<sup>13</sup>

In addition to those advisory opinions specifically authorized under the Siting Act from agencies that in the absence of the Siting Act would have permit, license, assent, or variance authority, the Board may direct other or additional state and local agencies to assist it in assessing the overall impact of a facility. In particular, §§ 42-98-9(d) and (e) provide for advisory opinions from the Public Utilities Commission (PUC) and the Statewide Planning Program.<sup>14</sup> Due to the comprehensive nature of the ultimate issues facing the Board, the Board will often require expertise beyond the scope of those issues raised in the particular permit and license reviews at the agency level. The Siting Act provides broad discretion in this regard for the Board to summon further information and advice it deems necessary for the discharge of its duty.<sup>15</sup> And the Act’s provisions are to be construed liberally to effectuate its purposes.<sup>16</sup> The Siting Act clearly

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<sup>11</sup> *Id.* § 9(a).

<sup>12</sup> *Id.* § 7(a)(2).

<sup>13</sup> Rule 1.10(a)(1).

<sup>14</sup> R.I. Gen. Laws §§ 42-98-9(d) refers to the Division of Planning and the Governor’s Office of Energy Assistance which are now the Statewide Planning Program and the Office of Energy Resources, respectively. The latter names will be used in this Order.

<sup>15</sup> R.I. Gen. Laws § 42-98-7(b).

<sup>16</sup> *Id.* § 18.

envisions that the Board shall have the benefit of the full range of technical expertise available from any other existing agencies in making its decisions.<sup>17</sup> Accordingly, the Board may request the opinion of various agencies on matters in addition to those issues covered by the specific permits, licenses, assents, or variances that would be required in the absence of the Siting Act.

The primary identification and discussion of issues to be considered in the review of a major energy facility alteration application and the designation of agencies to act at the Board's direction, occur at the Board's preliminary hearing. Following the preliminary hearing, the Board issues a preliminary order that establishes the agenda of issues for the Board's final hearing and designates agencies to act at the Board's discretion. Such issues may be modified, new ones may be added, and additional agencies may be designated as needed at any time before the final hearing.<sup>18</sup>

The Siting Act sets the timing schedule that the Board must follow, from docketing and through to final decision. The advisory opinions directed by this Preliminary Decision and Order must be submitted to the Board within six months, i.e., by November 2, 2016.<sup>19</sup> Final Board hearings must begin not later than forty-five days after the date for submission of advisory opinions, whether or not such opinions are submitted.<sup>20</sup> Final hearings regarding the instant application have not yet been scheduled, but should begin no later than December 19, 2016.<sup>21</sup>

The purpose of the final hearing is not to rehear evidence presented in hearings before designated agencies providing advisory opinions, but rather to provide the parties the opportunity to address -- in a single forum and from a consolidated, statewide perspective -- the issues reviewed and the recommendations made by such agencies.<sup>22</sup> The final hearing must be concluded not more

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<sup>17</sup> *Id.* § 1(d).

<sup>18</sup> Rule 1.9(f).

<sup>19</sup> R.I. Gen. Laws § 42-98-10(a).

<sup>20</sup> *Id.* at § 11(a).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

than sixty days after its initiation,<sup>23</sup> and the Board must issue its final decision within sixty days after conclusion of the final hearing.<sup>24</sup> A final decision that favors the applicant shall constitute a granting of all required and jurisdictional permits, licenses, variances, and assents; and such final decision may be issued on any condition or conditions the Board deems warranted by the record.<sup>25</sup>

## **V. ISSUES TO BE CONSIDERED AT FINAL HEARING**

The statutory standards by which the application must be judged are specifically described in the Siting Act.<sup>26</sup>

**ISSUE 1: Is the proposed Project necessary to meet the needs of the state and/or region for energy of the type to be produced by the proposed Project?<sup>27</sup>**

The Public Utilities Commission (PUC), with participation of the Division of Public Utilities and Carriers (Division), Office of Energy Resources (OER), and the Division of Planning of the Department of Administration, must render a single advisory opinion on the need for the Project<sup>28</sup> and whether the Project is cost-justified. The PUC's opinion must specifically consider the need for the Project based upon projected cost, as also discussed in Issue 2A below. Additionally, The PUC must expressly consider the reliability of the transmission system in the area and region to be served in determining the need for the Project.

**ISSUE 2: Is the proposed Project (a) cost-justified and can it be expected to produce energy at the lowest reasonable cost to the consumer; (b) capable of remaining consistent with the objective of ensuring that its construction and operation will comply with all applicable laws, rules, regulations, and ordinances under which, absent the Act, a permit,**

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at § 11(c).

<sup>25</sup> *Id.* §§ 11(b), 11(c).

<sup>26</sup> *Id.* §§ 11(b), 9(e).

<sup>27</sup> *Id.* § 11(b)(1).

<sup>28</sup> *Id.* § 9(d).

**license, variance, or assent would be required; or (c) does consideration of public health, safety, welfare, security, and the need for the proposed alteration justify a waiver of some requirement where compliance therewith cannot otherwise be assured?**<sup>29</sup>

The foregoing broad and far-reaching statement may be broken down into the component issues of cost-justification; compliance with all applicable legal requirements; and, if such total compliance is not possible, whether some aspect of the applicable requirements should be waived.

**Issue 2A: Is it cost-justified?**

The issue of whether the proposed Project will allow transmission of energy at the lowest reasonable cost to the consumer is included in the advisory opinion required of the PUC. The evaluation of the need for the Project will expressly include a determination of the reasonableness of the cost of the Project. The PUC shall specifically analyze the cost impact of the Project and shall examine the economics of reasonable alternatives to the various components of the Project that were identified by National Grid

**Issue 2B: Will the Facility comply with all legal requirements applicable absent the Siting Act?**

The Board must consider whether the Project as proposed will meet all those requirements that, absent the Act, the Applicant would have to satisfy in obtaining necessary permits, licenses, variances, and assents.<sup>30</sup> In furtherance of those considerations, the Board should receive advisory opinions from each of the entities that would have had the authority to determine whether the facility, in fact, does meet that entity's requirements. The specific advisory opinions in this regard are set forth below.

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<sup>29</sup> *Id.* § 11(b)(2).

<sup>30</sup> *Id.* § 9(b).

**Issue 2C: Would a waiver from certain laws be justified?**

In the event the Board decides that the construction and/or operation of the Project would fail to comply with some aspect of otherwise governing legal requisites (or conditions), the Board must determine whether the overall benefits of the Project justify a waiver from that provision subject to the Board’s jurisdiction.

**ISSUE 3: Will the proposed Facility cause unacceptable harm to the environment?<sup>31</sup>**

In the Board’s consideration of this issue, it construes the term “environment” broadly, including individual and cumulative environmental impacts such as, but not limited to, the Project’s impacts on public health, water quality, groundwater, wetlands, ambient noise, traffic, fish, wildlife, and soil.

**ISSUE 4: Will the proposed Facility enhance the socio-economic fabric of the state?<sup>32</sup>**

The Statewide Planning Program, within the Department of Administration, must conduct an investigation and render for the Board’s consideration an opinion as to the impact of the Project’s operation and construction on the socio-economic fabric of the state. In addressing this issue, consideration must be given to the local population and economy, economic and reliability benefits, including employment and tax benefits to the Towns of Middletown and Portsmouth and/or to the State.

**ISSUE 5: Is the construction and operation of the Facility consistent with the State Guide Plan?<sup>33</sup>**

The Board must specifically consider whether the construction and operation of the Facility proposed is consistent with the Statewide Planning Program’s State Guide Plan, including the State

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<sup>31</sup> *Id.* § 11(b)(3).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* § 9(e).

Energy Plan. In support of this issue, the Statewide Planning Program must render an advisory opinion to the Board.

## **VI. EXEMPT LICENSES**

The Board finds the following Rhode Island Department of Environmental Management permits and licenses to be exempt from its jurisdiction pursuant to R.I. Gen. Laws § 42-98-7(3):

- Freshwater wetland alteration permits issued pursuant to the Freshwater Wetlands Act, R.I. Gen. Laws § 2-1-21.
- Water quality certification pursuant to authority delegated to DEM by the Environmental Protection Agency (EPA) pursuant to the Clean Water Act, 33 U.S.C. Sec. §§ 1251 to 1387, R.I. Gen. Laws §§ 46-12-1 to 46-12-41.
- Rhode Island Pollution Discharge Elimination System permit for point source discharge, issued pursuant to authority delegated to DEM by EPA pursuant to the Clean Water Act, 33 U.S.C. Sec. §§ 1251 to 1387.

## **VII. ADVISORY OPINIONS<sup>34</sup>**

### **A. Jurisdictional Agencies**

The following agencies and subdivisions of state and local government which, absent the Siting Act, would have the authority to act upon permits, licenses, assents, or variances required for the proposed Facility are required by the Act to issue advisory opinions as directed by the Board. The Board has designated and directs the agencies listed below to provide advisory opinions. Each designated agency should, to the extent possible, render its advisory opinion pursuant to procedures that would be followed absent the Siting Act. And, such advisory opinion should

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<sup>34</sup> The designation letters are attached to this Order as Appendix A.

conform to the provisions of the Rhode Island Administrative Procedures Act (APA), R.I. Gen. Laws §§ 42-35-1 to 42-35-18 regarding Decisions and Orders.<sup>35</sup> The agency must, however, render an advisory opinion to the Board regarding the issuance of the license or permit, rather than a final decision. Unless otherwise provided, if the agency does not issue its advisory opinion within six months after its designation by the Board (i.e., November 2, 2016), its right to render an opinion shall be forfeited.<sup>36</sup>

The agencies and the respective advisory opinions they are directed to render are as follows:

1. **The Portsmouth Zoning Board of Review** is directed to render an advisory opinion as to whether the Facility would meet the requirements of its respective zoning ordinances and whether any variance, including a special use or dimensional variance, should be granted.
2. **The Portsmouth Building Inspector** is directed to render an advisory opinion as to (i) whether the work proposed in the municipality as part of the Facility's construction and operation is subject to the municipality's Erosion and Sediment Control Ordinance, and if so, whether National Grid's Erosion and Sediment Control Plan would conform to the Ordinance, and (ii) whether the Project would meet the requirements of other municipal ordinances.
3. **The Middletown Zoning Board of Review** is directed to render an advisory opinion as to whether the Facility would meet the requirements of its respective zoning ordinances and whether any variance, including a special use or dimensional variance, should be granted.
4. **The Middletown Building Inspector** is directed to render an advisory opinion as to (i) whether the work proposed in the municipality as part of the Facility's construction and operation is subject to the municipality's Erosion and Sediment Control Ordinance, and if so,

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<sup>35</sup> Rule 1.11(a).

<sup>36</sup> R.I. Gen. Laws § 42-98-10(a).

whether National Grid's Erosion and Sediment Control Plan would conform to the Ordinance, and (ii) whether the Facility would meet the requirements of other municipal ordinances.

5. **The Rhode Island Historical Preservation & Heritage Commission** is directed to render an advisory opinion as to (i) whether the Facility would be subject to its jurisdiction and, if so, whether the Facility would conform with requirements relevant thereto, and (ii) whether any required approval or exception should be granted.
6. **The Rhode Island Department of Transportation** is directed to render an advisory opinion as to whether a Utility Permit, R.I. Gen. Laws § 24-8-1 and § 24-10-1; Physical Alteration Permit, R.I. Gen. Laws § 24-8-1; or any other Department of Transportation permits are required and should be issued for the Facility, including the construction of transmission lines across state roads or highways. Such advisory opinion should specifically consider the potential impacts upon traffic and road conditions associated with the Project during construction and operation.
7. **The Portsmouth Town Council** is directed to render an advisory opinion as to the whether the Project will meet the Town noise ordinance limits and, if not, whether an exemption from the Portsmouth Noise Ordinance should be granted.
8. **The Middletown Town Council** is directed to render an advisory opinion as to the whether the Project will meet the Town noise ordinance limits and, if not, whether an exemption from the Middletown Noise Ordinance should be granted.

#### B. Non-Jurisdictional Agencies

The Board has both the obligation and authority to request further advisory opinions from agencies other than those that, absent the Siting Act, would have some specific authority over the proposed Facility. In addition to the mandatory opinions required from the Jurisdictional Agencies

by the Siting Act, the Board in its discretion may and hereby does request informational advisory opinions from the agencies listed below for which there are no applicable license, permit, assent, or variance proceedings required for the Facility.

In the absence of a proceeding conducted in accordance with the APA, the Board requests that each such agency named below prepare to have a representative appear at the final hearing of the Board to sponsor the informational advisory opinion, as well as to sponsor and enter into evidence any information outside of the record of this docket that is relied upon in the advisory opinion. At such time, the Applicant, the Board, and other interested parties will have the opportunity to cross-examine the sponsoring agency representative.

For each non-jurisdictional advisory opinion, the subject agency may request, and the Applicant shall provide, any information or evidence deemed necessary to support the subject opinion. The Applicant shall provide information in a timely manner. The Applicant shall remain responsible for ensuring that the information provided to the Board and the various agencies remains consistent and up-to-date.

1. **The Rhode Island Public Utilities Commission** shall render an advisory opinion as to (i) the need for the proposed Facility and (ii) whether it is cost justified. The Division of Planning, the Office of Energy Resources, and the Division of Public Utilities and Carriers shall participate in the PUC proceeding pursuant to R.I. Gen. Laws § 42-98-9(d).
2. **The Statewide Planning Program** within the Division of Planning shall render an advisory opinion as to (i) the socio-economic impact of the proposed Facility, and its construction, and operation; (ii) the Facility's consistency and compliance with the State Guide Plan; and (iii) in coordination with the Rhode Island Office of Energy Resources, a particular examination of the Facility's consistency and compliance with the State Energy Plan.

3. **The Rhode Island Department of Health** shall render an informational advisory opinion on the potential public health concerns relating to the biological responses to power frequency electric and magnetic fields associated with the operation of the Facility. In particular, the Department of Health should review and comment on Appendix B of the application.
4. **The Portsmouth Planning Board** shall render an advisory opinion as to whether the Facility would be a land use consistent with its respective comprehensive plan pursuant to the Comprehensive Planning and Land Use Act, R.I. Gen. Laws §45-22.2-1.
5. **The Middletown Planning Board** shall render an advisory opinion as to whether the Facility would be a land use consistent with its respective comprehensive plan pursuant to the Comprehensive Planning and Land Use Act, R.I. Gen. Laws §45-22.2-1.

Although afforded six months to render an advisory opinion, the Board requests that, to the extent possible, the designated agencies expedite the process.

Accordingly, it is hereby

( 91 ) ORDERED

1. The following State of Rhode Island and local agencies and political subdivisions of the State are directed by the Energy Facility Siting Board to render advisory opinions on the issues identified by the Preliminary Decision of the Energy Facility Siting Board:
  - a. The Public Utilities Commission
  - b. The Statewide Planning Program
  - c. The Department of Health
  - d. The Portsmouth Planning Board
  - e. The Middletown Planning Board

- f. The Portsmouth Zoning Board of Review
  - g. The Middletown Zoning Board of Review
  - h. The Portsmouth Building Inspector
  - i. The Middletown Building Inspector
  - j. The Portsmouth Town Council
  - k. The Middletown Town Council
  - l. The Historical Preservation & Heritage Commission
  - m. The Department of Transportation
2. The Coordinator of the Energy Facility Siting Board shall prepare and forward to all agencies designated above a certified copy of this Preliminary Decision and Order and a separate written notice of designation.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND THIS 2<sup>nd</sup> DAY OF MAY, 2016.

ENERGY FACILITY SITING BOARD



Margaret E. Curran, Chairperson

Janet Coit, Member

# APPENDIX A

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE RHODE ISLAND PUBLIC UTILITIES COMMISSION TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Rhode Island Public Utilities Commission has been designated as an agency of state government that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

If you have any questions or require any assistance from Board staff, please contact me by phone at 401-780-2106, or by email at [todd.bianco@puc.ri.gov](mailto:todd.bianco@puc.ri.gov).



Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE RHODE ISLAND STATEWIDE PLANNING PROGRAM TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Rhode Island Statewide Planning Program has been designated as an agency of state government that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

If you have any questions or require any assistance from Board staff, please contact me by phone at 401-780-2106, or by email at [todd.bianco@puc.ri.gov](mailto:todd.bianco@puc.ri.gov).



Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE RHODE ISLAND DEPARTMENT OF HEALTH TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Rhode Island Department of Health has been designated as an agency of state government that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE RHODE ISLAND HISTORICAL PRESERVATION AND HERITAGE COMMISSION TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Rhode Island Historical Preservation and Heritage Commission has been designated as an agency of state government that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S  
APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN  
PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE RHODE ISLAND DEPARTMENT OF**  
**TRANSPORTATION TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Rhode Island Department of Transportation has been designated as an agency of state government that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE TOWN OF MIDDLETOWN PLANNING BOARD  
TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Town of Middletown Planning Board has been designated as a political subdivision of the state that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S  
APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN  
PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE TOWN OF MIDDLETOWN ZONING BOARD OF  
REVIEW TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Town of Middletown Zoning Board of Review has been designated as a political subdivision of the state that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S  
APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN  
PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE TOWN OF MIDDLETOWN BUILDING  
INSPECTOR TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Town of Middletown Building Inspector has been designated as a political subdivision of the state that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE TOWN OF MIDDLETOWN TOWN COUNCIL TO  
RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Town of Middletown Town Council has been designated as a political subdivision of the state that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S  
APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN  
PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE TOWN OF PORTSMOUTH PLANNING BOARD TO  
RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Town of Portsmouth Planning Board has been designated as a political subdivision of the state that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE TOWN OF PORTSMOUTH ZONING BOARD OF REVIEW TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Town of Portsmouth Zoning Board of Review has been designated as a political subdivision of the state that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

Pursuant to R.I. Gen. Laws § 42-98-10, a designated agency shall proceed to consider the issue or issues consigned to it for review. By Order 91 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before November 2, 2016, or the right to exercise the function shall be forfeited to the Board. Advisory opinions should be submitted to the Coordinator of the Energy Facility Siting Board, 89 Jefferson Boulevard, Warwick, Rhode Island 02888.

In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE TOWN OF PORTSMOUTH BUILDING INSPECTOR TO RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Town of Portsmouth Building Inspector has been designated as a political subdivision of the state that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016

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

IN RE: THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

**NOTICE OF DESIGNATION TO THE TOWN OF PORTSMOUTH TOWN COUNCIL TO  
RENDER AN ADVISORY OPINION**

By Order 91 of the Energy Facility Siting Board, pursuant to the Energy Facility Siting Act R.I. Gen. Laws § 42-98 (Act), in particular § 42-98-9, the Town of Portsmouth Town Council has been designated as a political subdivision of the state that shall act at the direction of the Rhode Island Energy Facility Siting Board (Board) for the purpose of rendering an advisory opinion on certain issues to be considered in evaluating The Narragansett Electric Company d/b/a National Grid's application to construct the Aquidneck Island Reliability Project in Middletown and Portsmouth Rhode Island. A description of the required advisory opinion is set forth in the enclosed Preliminary Decision and Order.

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In accordance with Rule 1.11(a) of the Board's Rules of Practice and Procedure (Rules), the designated agency shall render its advisory opinion, to the extent possible, pursuant to the procedures that would be followed absent Board designation of the agency. Where necessary, an agency shall modify its procedures to conform to the requirements of the Act, the Rules, and the Preliminary Decision. In accordance with Rule 1.11(c) the advisory opinion shall conform with the Rhode Island Administrative Procedures Act R.I. Gen. Laws § 42-35 requirements regarding Decisions and Orders and shall be clearly identified as an advisory opinion issued to the Board for consideration at the Board's final hearing. A designated agency lacking a process compliant with the Administrative Procedures Act may, and shall at the direction of the Board's Chairperson, make a witness available to sponsor and be examined on its advisory opinion at the final hearing to be scheduled and held following the advisory opinion deadline.

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Todd Anthony Bianco, Coordinator  
Energy Facility Siting Board  
May 2, 2016