

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: Application of
Invenergy Thermal Development LLC's
Proposal for Clear River Energy Center

Docket No. 4609

**UNOPPOSED MOTION FOR INTERVENTION
OF CONSERVATION LAW FOUNDATION**

I. Introduction

The Conservation Law Foundation (CLF), pursuant to Public Utility Commission (PUC or the Commission) Rules of Practice and Procedure 1.13(a) and (b), respectfully files its Unopposed Motion for Intervention in this Docket.

On or about March 11, 2016, the PUC opened this Docket # 4609, on referral from the Energy Facility Siting Board (EFSB). In this Docket, the PUC will address certain issues pertaining to Invenergy's pending application before the EFSB to build a new 900-megawatt, fossil-fuel-fired power plant in Burrillville, Rhode Island. The issues to be addressed here in the PUC include the putative need for the plant and the ratepayer impacts thereof.

CLF is a full party to the underlying proceeding before the EFSB. Although the EFSB did not grant intervenor status to all the parties that sought to intervene, the EFSB granted CLF's Motion to Intervene (without objection by any party).

Pursuant to PUC Rule of Practice and Procedure 1.15(b), at the March 11, 2016 scheduling conference at the PUC in this Docket # 4609, CLF inquired of all parties present whether there was any objection to CLF's intervention. There was no objection raised by any

party, including, without limitation: Invenenergy, the Division of Public Utilities and Carriers, the Office of Energy Resources, and the Town of Burrillville.

II. The Intervenor

CLF is New England's leading environmental advocacy organization. Since 1966, CLF has worked to protect New England's people, natural resources and communities. CLF is a nonprofit, member-supported organization with offices throughout New England. The Rhode Island CLF office is located at 55 Dorrance Street, Providence.

CLF promotes clean, renewable and efficient energy production throughout New England and has an unparalleled record of advocacy on behalf of the region's environmental resources. As part of its 40-year legacy, CLF was a party in the landmark case in which the U.S. Supreme Court ruled that the U.S. Environmental Protection Agency has an obligation under the Clean Air Act to consider regulating tailpipe emissions that contribute to global warming, Massachusetts v. E.P.A., 127 S. Ct. 1438 (2007); CLF obtained an injunction to stop drilling for oil and gas on the environmentally sensitive Georges Bank, Conservation Law Foundation v. Sec'y of the Interior, 790 F.2d 965 (1st Cir. 1986); litigated to ensure enforcement of an earlier settlement agreement in a case stemming from the "Big Dig," which settlement agreement required 20 public transit projects in and around Boston including construction of additional subway and rail lines, Conservation Law Foundation v. Romney, 421 F. Supp.2d 344 (D. Mass. 2006); and successfully advanced legal strategies to restore groundfish to the Gulf of Maine and southern

New England waters. Conservation Law Foundation v. Evans, 211 F. Supp.2d 55 (D.D.C. 2002).

III. The Standard Governing this Motion

Intervention in PUC proceedings is governed by PUC Rule of Practice and Procedure 1.13.

PUC Rule of Practice and Procedure 1.13(b) states, in relevant part, that “any person claiming . . . an interest of such a nature that intervention is . . . appropriate may intervene in any proceeding before the Commission.”

PUC Rule of Practice and Procedure 1.13(e) states, in relevant part, that “all timely motions to intervene not objected to by any party within ten (10) days of service of the motion for leave to intervene shall be deemed allowed”

As noted above, CLF learned at the scheduling conference in this Docket # 4609, conducted by PUC counsel, that there is no objection to CLF’s Motion to Intervene from any party.

IV. CLF’s Interest in This Proceeding

Two of the substantive issues in the underlying EFSB case that CLF seeks to address were referred to the PUC for an advisory opinion: the putative need for the proposed plant and ratepayer impacts.

CLF has extensive experience in the operation of New England’s wholesale gas and electricity markets, and the multiple, often complex, ways in which those markets affect each

other and affect the cost of electricity that must ultimately be borne by ratepayers. CLF has long been a Market Participant in the New England Power Pool (NEPOOL), the stakeholder entity legally sanctioned by the Federal Energy Regulatory Commission (FERC) that works with ISO-New England (ISO-NE), the entity that runs the New England electricity grid and operates the New England wholesale electricity markets.

The Invenergy application before the EFSB explains that Rhode Island lies within an import-constrained zone designated by ISO-NE and called “SENE,” and that, as such, Rhode Island needs “locally sited resources . . . without which reliability within the SENE capacity zone . . . may be compromised under certain scenarios.” Invenergy Application, October 28, 2015, at § 7.2.2, at page 18. CLF attorneys sit on both the NEPOOL Reliability Committee and the ISO-NE’s Participants Advisory Committee (PAC) that are responsible for making recommendations and determinations concerning such zonal carve-outs within ISO-NE’s Forward Capacity Market (FCM). CLF staff attorneys also sit on the NEPOOL Markets Committee that advises the ISO-NE on potential changes in market rules that affect (and effect) separate pricing methodologies using different price-demand curves for such separate zones in the FCM. As such, CLF anticipates being able to present factual evidence and background information that will be directly relevant to this proceeding, useful to the PUC, and in the interest of the public and of all electricity ratepayers in Rhode Island.

CLF has participated, without objection from any party, in many dockets before the PUC. These include Docket # 3659 (setting Rules pursuant to R. I. Gen. Laws § 39-26-1, et seq., the

state's Renewable Energy Standard, or RES); Docket # 3765 (considering Grid's 2007 RES compliance procurement); Docket # 3901 (considering Grid's 2008 RES procurement); Docket # 4012 (considering Grid's 2009 RES procurement); Docket # 3943 (gas distribution rate case); and Docket # 4065 (electricity distribution rate case).

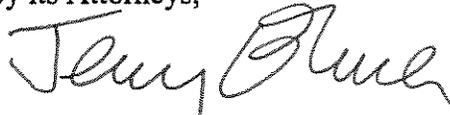
As a result of this history, both in Rhode Island and in the rest of New England, CLF can play a constructive and helpful role in this Docket.

Moreover, the participation in this proceeding of a public-interest organization such as CLF will serve the public interest. See, generally, John E. Bonine, Public Interest Environmental Lawyers: Global Examples and Personal Reflections, 10 Widener L. Rev. 451 (2004) (emphasizing the constructive and salutary role of public-interest environmental lawyers in a wide range of legislative, judicial, and regulatory fora).

V. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its motion to intervene in this Docket be granted.

CONSERVATION LAW FOUNDATION,
by its Attorneys,



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CERTIFICATE OF SERVICE

I certify that the original and four photocopies of this Motion were filed by U.S. mail, postage prepaid, with the Clerk of the Public Utilities Commission, 99 Jefferson Blvd., Warwick, RI 02888. In addition, electronic copies of this Motion were served via e-mail on the service list for this Docket. I certify that all of the foregoing was done on March 22, 2016.