STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ENERGY FACILITY SITING BOARD
89 Jefferson Boulevard
Warwick, Rhode Island 02888
(401) 780-2106

Chairperson Margaret E. Curran
Board Member Janet Coit
Board Member Parag Agrawal

September 18, 2017

Luly Massaro, Clerk
RI Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

RE: Docket No. SB-2017-01 Burrillville Interconnection Project

Dear Ms. Massaro:

As you may be aware, the Public Utilities Commission has been designated by the Energy Facility Siting Board to render an advisory opinion in Docket No. SB-2017-01 The Narragansett Electric Company d/b/a National Grid and Clear River Energy, LLC's application to site and construct the Burrillville Interconnection Project and associated structures. Please find enclosed the Board's Decision and Order 114 pursuant to a preliminary hearing in that docket, a Notice of Designation, and a Certification of Records.

Please contact me if you require any application materials or have any questions regarding this process.

Best regards,

Todd A. Bianco, Coordinator
Rhode Island Energy Facility Siting Board

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CERTIFICATION OF RECORDS

I hereby certify that the attached documents identified below are true and accurate copies of the original on file at the office of the Energy Facility Siting Board.

- Rhode Island Energy Facility Siting Board Order No.114 – Docket No. SB-2017-01 Preliminary Decision and Order re: The Narragansett Electric Company d/b/a National Grid and Clear River Energy, LLC's application to site and construct the Burrillville Interconnection Project and associated structures in Burrillville, Rhode Island, dated and effective September 15, 2017

Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 18, 2017

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PUBLIC UTILITIES COMMISSION

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY	:	
d/b/a NATIONAL GRID AND	:	**SB-2017-01**
CLEAR RIVER ENERGY LLC	:	
(BURRILLVILLE INTERCONNECTION PROJECT)	:	

PRELIMINARY DECISION AND ORDER

I. INTRODUCTION

On February 22, 2017, The Narragansett Electric Company d/b/a National Grid[1] (Narragansett) and Clear River Energy LLC[2] (Invenergy)(Narragansett and Invenergy are hereinafter collectively referred to as the Applicants) filed with the Energy Facility Siting Board (EFSB or Board) a joint application to construct and alter major energy facilities.[3] The Applicants propose to connect Invenergy's proposed Clear River Energy Center (CREC) to the electric transmission system by constructing a new 6.8 mile, 345 kilovolt (kV) transmission line. The Applicants filed an environmental report in support of the application. The Applicants also filed a motion for an expedited hearing pursuant to Rule 1.9(h) of the Rules of Practice and Procedure (Rules) which was denied on May 4, 2017.[4]

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[1] The Narragansett Electric Company is a Rhode Island chartered public utility with its principal place of business in Providence, Rhode Island. Its parent company is National Grid USA.
[2] Clear River Energy LLC is a Delaware limited liability company, with its principal place of business in Chicago, Illinois. Its parent company is Invenergy Thermal Global LLC.
[3] The application and all documents filed are available at the PUC offices located at 89 Jefferson Boulevard, Warwick, Rhode Island or at http://www.ripuc.org/efsb/index.html, organized by docket number.
[4] Order No. 111 (May 4, 2017).

II. THE FACILITIES

The Applicants propose to construct a new 345 kV transmission line (3052 Line) and alter two existing 345 kV transmission lines (341 Line and 347 Line). Under § 42-98-3(d) of the Energy Facility Siting Act (Siting Act or Act)[5], the transmission lines constitute major energy facilities. The Applicants propose to construct the 3052 Line in Burrillville between the CREC and the Sherman Road Switching Station, a total distance of approximately 6.8 miles. The first 0.8 miles of the 3052 Line will be constructed within a new 250-foot wide right-of-way controlled by Invenergy and located between the CREC and the existing Narragansett right-of-way (Segment 1). The remaining 6.0 miles of the Project will be located within the existing Narragansett right-of-way that runs in a northeasterly direction to the Sherman Road Switching Station. The 1.6 mile portion of the Narragansett right-of-way, from the intersection of the Invenergy right-of-way to approximately 0.19 miles south of the Clear River (Segment 2,) is 300 feet wide. The remaining 4.4 mile piece of the Narragansett right-of-way is 500 feet wide (Segment 3). Segments 2 and 3 are occupied by the existing 345 kV transmission lines, the 341 Line and the 347 Line.

In addition to constructing the new 3052 Line, the Applicants propose to rebuild and realign the existing 341 Line and 347 Line in Segment 2 to make room for the new 3052 Line. The 341 Line will be shifted north to new structures and wires installed parallel to the existing 341 Line. The 347 Line will be shifted north to the existing structures and wires of the 341 Line. The existing 347 Line structures and wires will be removed and replaced with new structures and wires for the 3052 Line. Representative drawings are presented in the environmental report Figures 2-1 and 4-1. Finally, the Project will include realigning approximately 260 feet of the 328 line, an existing 345 kV transmission line at the Sherman Road Switching Station.

[5] R.I. Gen. Laws §§ 42-98-1 to 42-98-20.

III. TRAVEL OF THE CASE

The application was docketed on March 22, 2017. With the application, the Applicants filed a Motion for an Expedited Hearing pursuant to Rule 1.9(h) of the Rules.[6] Subsequently and pursuant to the Rule 1.10(a)(1),[7] of the Rules, the Town of Burrillville filed a Notice of Intervention.

On May 23, 2017, after public notice, a Preliminary Hearing was convened.[8] 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."[9]

At the Preliminary Hearing, the Applicants presented David Beron, Principal Project Manager with National Grid USA Service Company, to describe the project. Exhibits marked for identification were the application, supplemental application information, and a copy of the presentation slides used to describe the project at the Preliminary Hearing.

On May 23, 2017 and June 23, 2017, the Board conducted Open Meetings.[10] At those meetings the Board identified the issues and Advisory Opinions to be requested from various state and municipal agencies.

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[6] Rule 1.9(h) provides that an applicant may request an expedited preliminary hearing.
[7] Rule 1.10(a)(1) provides that "[p]articipation in a proceeding as an intervenor may be initiated as follows: 1. [b]y the filing of 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).
[8] Notice of the Preliminary Hearing was published in the Providence Journal, the Woonsocket Call, and the Bargain Buyer; sent directly to the service list; and posted on the Public Utilities Commission and Secretary of State websites.
[9] R.I. Gen. Laws § 42-98-9(a).
[10] Notice of the Open Meetings were posted on the Public Utilities Commission and Secretary of State websites and in the Public Utilities Commission and the Attorney General office buildings.

IV. THE ENERGY FACILITY SITING ACT

The Act consolidates in the Board, with two exceptions,[11] all state and local governmental regulatory authority for the siting, construction, operation, and alteration of any major energy facility which includes "transmission lines of sixty-nine (69) kV or over."[12] 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" the transmission lines that are the subject of the instant application.[13] And a Board decision in favor of such application to site a major energy facility in Rhode Island constitutes "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."[14]

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."[15]

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[11] R.I. Gen. Laws §42-98-7(a)(3) provides that the Department of Environmental Management shall retain the permitting or licensing authority delegated by federal law and that authority established pursuant to chapter 1 of title 2 of the Rhode Island General Laws and that the Coastal Resources Management Council shall retain its authority to issue licenses and permits pursuant to chapter 23 of title 46 of the Rhode Island General Laws.
[12] R.I. Gen. Laws § 42-98-3(d).
[13] R.I. Gen. Laws § 42-98-7(a)(1).
[14] R.I. Gen. Laws § 42-97-11(c).
[15] R.I. Gen. Laws § 42-98-1(a).

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 board for the purpose of rendering Advisory Opinions."[16] 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.[17]

Advisory Opinions must be submitted to the Board not more than six months following the Board's official designation of the agency that will render the Advisory Opinion. Any state or local governmental body that is designated and renders an Advisory Opinion to the Board is also entitled to intervention as a matter of right and may participate in Board hearings.[18] Before rendering a Final Decision, the Board must consider all the Advisory Opinions.

In addition to those Advisory Opinions specifically authorized under the Act from agencies that in the absence of the Act would have permit, license, assent, or variance authority, the Board may request advice from other or additional state and local agencies to assist it in assessing the overall impact of a facility. Due to the comprehensive nature of the ultimate issues facing the Board, the Board will often require expertise beyond the scope of that required to conduct particular permit and license reviews at the agency level. The Siting Act provides broad discretion

[16] R.I. Gen. Laws § 42-98-9(a).
[17] R.I. Gen. Laws § 42-98-7(a)(2).
[18] Rule 1.10(a)(1).

for the Board to summon whatever further information and advice it may deem necessary for the discharge of its duty.[19] The Act also provides that its provisions shall be construed liberally to effectuate its purposes.[20]

The primary discussion of issues to be considered in the review of a major energy facility alteration application and agencies to be designated occurs 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 the agencies to act at the Board's direction. Such agenda may be modified and additional agencies and issues may be designated and determined as needed, at any time before the Final Hearing.[21] The Advisory Opinions directed by the Preliminary Order must be submitted to the Board within six months of this Order, i.e., by March 15, 2018. The Board hearing must begin not later than forty-five days after the date for submission of Advisory Opinions, whether or not such Opinions are submitted. The Final Hearing for the instant application, which will continue over as many days as necessary, has not yet been scheduled, but must begin no later than April 30, 2018.

The purpose of the Final Hearing is not to rehear all the evidence presented at the hearings before those agencies that provide Advisory Opinions. It is 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.[22] The Final Hearing must be concluded not more than sixty days after its initiation, and the Board must issue its final decision within sixty days after conclusion of the Final Hearing. A final decision that favors the applicant shall constitute the granting of all required and jurisdictional permits, licenses, variances, and

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[19] R.I. Gen. Laws § 42-98-7(b).
[20] R.I. Gen. Laws § 42-98-18.
[21] Rule 1.9(f).
[22] R.I. Gen. Laws § 42-98-11(a).

assents. Moreover, that decision may include any condition or conditions that the Board deems warranted by the record.[23]

V. ISSUES TO BE CONSIDERED AT FINAL HEARING

The Act sets forth generally the issues the Board must consider in addressing any application to construct or alter a major energy facility.[24] Applying the general guidance from the Act to the specific matters contained in the Applicants' proposal yields the following list of issues that the Board should consider at the Final Hearing.

ISSUE 1: Are the proposed transmission facilities necessary to meet the needs of the State and/or region in connecting Invenergy's proposed generation facility to National Grid's electric transmission system?[25]

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[26] and whether the Project is cost-justified consistent with the objective of ensuring that the construction and operation of the transmission facilities will be in compliance with all applicable laws, rules, and regulations. The PUC's Advisory Opinion must specifically consider the need for the Project to connect the proposed CREC to the electric transmission system should its application to construct a combined-cycle electric generating facility in Burrillville, Rhode Island, which is presently pending before the Board, be approved.

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[23] R.I. Gen. Laws §§ 42-98-11(b), 11(c).
[24] R.I. Gen. Laws §§ 42-98-11(b), 9(e). The language in R.I. Gen. Laws § 42-98-11 setting forth the issues to be considered by the Board is somewhat confusing because it is couched in language more related to generation facilities than to transmission lines. In an effort to avoid confusion in this order, the Board has phrased the issues in language capturing the statutory directions but related more specifically to the proposed transmission facilities.
[25] R.I. Gen. Laws § 42-98-11(b)(1).
[26] R.I. Gen. Laws § 42-98-9(d).

ISSUE 2: Are the proposed transmission facilities (A) cost-justified and can they be expected to transmit energy at the lowest reasonable cost to the consumer; (B) capable of remaining consistent with the objective of ensuring that their construction and operation will comply with all applicable laws, rules, regulations, and ordinances under which, absent the Act, a permit, license, variance, or assent would be required; or (C) does consideration of public health, safety, welfare, security, and the need for the proposed transmission facilities justify a waiver of some requirement where compliance therewith cannot otherwise be assured?[27]

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 construction, alteration, and operation of the transmission facilities will be done 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 transmission facilities must expressly include a determination of the reasonableness of the cost of the Project. In rendering its Advisory Opinion, the PUC must specifically analyze the projected cost impact of the transmission facilities on Rhode Island retail electric customers. The PUC and the Board must also specifically consider the respective costs to retail customers of the construction and operation of the transmission facilities by way of reasonable alternatives, including non-wires alternatives.

[27] R.I. Gen. Laws § 42-98-11(b)(2).

Issue 2B: Will the proposed construction, alteration, and operation of the transmission facilities comply with all legal requirements applicable absent the Siting Act?

The Board must consider whether the transmission facilities as proposed will meet all those requirements that, absent the Act, the Applicants would have to satisfy in obtaining necessary permits, licenses, variances, and assents.[28] 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 facilites, in fact, do meet those entities' requirements. The specific Advisory Opinions in this regard are set forth below, in Section VII.

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

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

ISSUE 3: Will the proposed construction, alteration, and/or operation of the proposed transmission facilities cause unacceptable harm to the environment?[29]

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 proposed transmission project's impacts on public health, water quality, groundwater, wetlands, ambient noise, traffic, fish, wildlife, and soil.

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[28] R.I. Gen. Laws § 42-98-9(b).
[29] R.I. Gen. Laws § 42-98-11(b)(3).

ISSUE 4: Will the proposed transmission project enhance the socio-economic fabric of the state?[30]

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 transmission project's operation and construction on the socio-economic fabric of the state. In addressing this issue, consideration must be given to economic and reliability benefits, including employment and tax benefits to the Town of Burrillville and/or to the State.

ISSUE 5: Is the construction, alteration, and/or operation of the transmission project consistent with the State Guide Plan?[31]

The Board must specifically consider whether the construction and operation of the proposed transmission project is consistent with the Statewide Planning Program's State Guide Plan, including the State 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 relevant permits and licenses to be exempt from its jurisdiction pursuant to R.I. Gen. Laws § 42-98-7(a)(3):

1. Freshwater wetland alteration permits issued pursuant to the Freshwater Wetlands Act, R.I. Gen. Laws § 2-1-21.
2. 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.

[30] R.I. Gen. Laws § 42-98-11(b)(3).
[31] R.I. Gen. Laws § 42-98-9(e).

3. 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[32]

A. JURISDICTIONAL AGENCIES

The following agencies and subdivisions of state and local government that, absent the Act, would have the authority to act upon permits, licenses, assents, or variances required for the proposed Project are required by the Act to issue Advisory Opinions as directed by the Board and shall act at the direction of the Board in issuing the Advisory Opinions designated below. An agency so designated should, to the extent possible, render its Advisory Opinion pursuant to procedures that would be followed absent the Act, and such Advisory Opinion should 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.[33] 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., March 15, 2018), its right to render an Opinion shall be forfeited.[34]

The agencies and the respective Advisory Opinions they are directed to render are as follows:

1. **The Burrillville Zoning Board of Review** is directed to render an Advisory Opinion as to (i) whether the proposed transmission project would meet the requirements of its respective

[32] The designation letters are attached to this Order as Appendix A.
[33] Rule 1.11(a).
[34] R.I. Gen. Laws § 42-98-10(a).

zoning ordinances and whether the required dimensional variance should be granted; and (ii) whether a special use permit should be granted to exempt the project from construction hour restrictions.

2. **The Burrillville Building Inspector** is directed to render an Advisory Opinion as to (i) whether the work proposed in Burrillville is subject to Burrillville's Erosion and Sediment Control Ordinance and, if so, whether the Applicants' Erosion and Sediment Control Plan would conform to the Ordinance, and (ii) whether the proposed transmission project would meet the requirements of other applicable Burrillville ordinances.
3. **The Rhode Island Historical Preservation & Heritage Commission** is directed to render an Advisory Opinion as to (i) whether the proposed transmission project would be subject to its jurisdiction and, if so, whether it would conform with requirements relevant thereto, and (ii) whether any required approval or exception should be granted.
4. **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 proposed transmission project, 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.
5. **The Rhode Island Department of Environmental Management** is directed to render an Advisory Opinion as to (i) the impact on fish and wildlife that will be caused by disruption of the habitat; and (ii) whether the Project will present an unacceptable harm to the environment;

B. NON-JURISDICTIONAL AGENCIES

The Board has both the obligation and authority to request Advisory Opinions from agencies other than those that, absent the Siting Act, would have some specific authority over the proposed transmission project. In addition to the mandatory Opinions required from the Jurisdictional Agencies by the 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 project.

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 Applicants, the Board, and other 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 Applicants shall provide, any information or evidence deemed necessary to support the subject Opinion. The Applicants shall provide information in a timely manner. The Applicants 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 transmission project 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 transmission project, including its construction and operation; (ii) the project'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 project'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 proposed transmission project. In particular, the Department of Health should review and comment on Appendix B of the application.
4. **The Burrillville Planning Board** shall render an Advisory Opinion as to whether the proposed transmission project 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.

Accordingly, it is hereby

(114) ORDERED

1. The following agencies of the State of Rhode Island and of political subdivisions and local agencies of the State shall act at the direction of the Energy Facility Siting Board for the purpose of rendering Advisory Opinions on the issues determined 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 Burrillville Planning Board

e. The Department of Environmental Management

f. The Burrillville Zoning Board of Review

g. The Burrillville Building Inspector

h. The Historical Preservation & Heritage Commission

i. 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 15th DAY OF SEPTEMBER, 2017.

ENERGY FACILITY SITING BOARD

Margaret E. Curran, Chairperson

Janet Coit, Member

Parag Agrawal, 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 AND CLEAR RIVER ENERGY LLC (BURRILLVILLE INTERCONNECTION PROJECT) - DOCKET NO. SB-2017-01

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

By Order 114 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 and Clear River Energy LLC's (Applicants) application to construct the Burrillville Interconnection Project in Burrillville, Rhode Island, filed in Docket No. SB-2017-01. 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 114 of the Board, the designated agency shall conclude its consideration and issue its Advisory Opinion on or before March 15, 2018, 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, which will 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.

Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 15, 2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID AND CLEAR RIVER ENERGY LLC (BURRILLVILLE INTERCONNECTION PROJECT) - DOCKET NO. SB-2017-01

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

By Order 114 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 and Clear River Energy LLC's (Applicants) application to construct the Burrillville Interconnection Project in Burrillville, Rhode Island, filed in Docket No. SB-2017-01. 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 114 of the Board, the designated agency shall conclude its consideration and issue its Advisory Opinion on or before March 15, 2018, 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 which will 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.

Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 15, 2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID AND CLEAR RIVER ENERGY LLC (BURRILLVILLE INTERCONNECTION PROJECT) - DOCKET NO. SB-2017-01

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

By Order 114 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 and Clear River Energy LLC's (Applicants) application to construct the Burrillville Interconnection Project in Burrillville, Rhode Island, filed in Docket No. SB-2017-01. 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 114 of the Board, the designated agency shall conclude its consideration and issue its Advisory Opinion on or before March 15, 2018, 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, which will 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.

Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 15, 2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID AND CLEAR RIVER ENERGY LLC (BURRILLVILLE INTERCONNECTION PROJECT) - DOCKET NO. SB-2017-01

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

By Order 114 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 Burrillville Planning Board 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 and Clear River Energy LLC's (Applicants) application to construct the Burrillville Interconnection Project in Burrillville, Rhode Island, filed in Docket No. SB-2017-01. 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 114 of the Board, the designated agency shall conclude its consideration and issue its Advisory Opinion on or before March 15, 2018, 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, which will be scheduled and held following the Advisory Opinion deadline.

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Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 15, 2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID AND CLEAR RIVER ENERGY LLC (BURRILLVILLE INTERCONNECTION PROJECT) - DOCKET NO. SB-2017-01

NOTICE OF DESIGNATION TO THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO RENDER AN ADVISORY OPINION

By Order 114 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 Environmental Management 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 and Clear River Energy LLC's (Applicants) application to construct the Burrillville Interconnection Project in Burrillville, Rhode Island, filed in Docket No. SB-2017-01. 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 114 of the Board, the designated agency shall conclude its consideration and issue its Advisory Opinion on or before March 15, 2018, 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, which will be scheduled and held following the Advisory Opinion deadline.

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Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 15, 2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID AND CLEAR RIVER ENERGY LLC (BURRILLVILLE INTERCONNECTION PROJECT) - DOCKET NO. SB-2017-01

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

By Order 114 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 Burrillville Zoning Board of Review 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 and Clear River Energy LLC's (Applicants) application to construct the Burrillville Interconnection Project in Burrillville, Rhode Island, filed in Docket No. SB-2017-01. 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 114 of the Board, the designated agency shall conclude its consideration and issue its Advisory Opinion on or before March 15, 2018, 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, which will be scheduled and held following the Advisory Opinion deadline.

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Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 15, 2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID AND CLEAR RIVER ENERGY LLC (BURRILLVILLE INTERCONNECTION PROJECT) - DOCKET NO. SB-2017-01

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

By Order 114 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 Burrillville Building Inspector 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 and Clear River Energy LLC's (Applicants) application to construct the Burrillville Interconnection Project in Burrillville, Rhode Island, filed in Docket No. SB-2017-01. 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 114 of the Board, the designated agency shall conclude its consideration and issue its Advisory Opinion on or before March 15, 2018, 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, which will be scheduled and held following the Advisory Opinion deadline.

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Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 15, 2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID AND CLEAR RIVER ENERGY LLC (BURRILLVILLE INTERCONNECTION PROJECT) - DOCKET NO. SB-2017-01

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

By Order 114of 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 and Clear River Energy LLC's (Applicants) application to construct the Burrillville Interconnection Project in Burrillville, Rhode Island, filed in Docket No. SB-2017-01. 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 114 of the Board, the designated agency shall conclude its consideration and issue its Advisory Opinion on or before March 15, 2018, 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, which will be scheduled and held following the Advisory Opinion deadline.

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Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 15, 2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID AND CLEAR RIVER ENERGY LLC (BURRILLVILLE INTERCONNECTION PROJECT) - DOCKET NO. SB-2017-01

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

By Order 114 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 and Clear River Energy LLC's (Applicants) application to construct the Burrillville Interconnection Project in Burrillville, Rhode Island, filed in Docket No. SB-2017-01. 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 114 of the Board, the designated agency shall conclude its consideration and issue its Advisory Opinion on or before March 15, 2018, 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, which will be scheduled and held following the Advisory Opinion deadline.

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Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
September 15, 2017