



STATE OF RHODE ISLAND

Energy Facility Siting Board

Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, Rhode Island 02888
(401) 780-2173

Chairman Ronald T. Gerwatowski
Director Janet Coit
Associate Director Meredith Brady

April 26, 2021

Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888

RE: Docket No. SB-2021-01

Dear Chairman Gerwatowski,

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-2021-01, Revolution Wind, LLC's application to construct and alter major energy facilities in Rhode Island. Please find enclosed the following documents: the Board's Preliminary Decision and Order 149 pursuant to a preliminary hearing in that docket, a Notice of Designation, and a Certification of Records.

Please feel free to contact me if you have questions regarding this process or if you require any additional materials.

Sincerely,

A handwritten signature in black ink, appearing to read "ERodvien".

Emma Rodvien
Energy Facility Siting Board Coordinator
401-780-2173



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CERTIFICATION OF RECORDS

I hereby certify that the attached Preliminary Decision and Order 149 in SB-2021-01 (dated and effective April 26, 2021) is a true and accurate copy of the original on file at the office of the Energy Facility Siting Board.

A handwritten signature in black ink, appearing to read "ERodvien".

Emma Rodvien
Energy Facility Siting Board Coordinator
401-780-2173

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND, LLC :
 APPLICATION TO CONSTRUCT : **SB-2021-01**
 A MAJOR ENERGY FACILITY :

PRELIMINARY DECISION AND ORDER

I. INTRODUCTION

On December 30, 2020, Revolution Wind, LLC¹ (Revolution Wind or Applicant) filed with the Energy Facility Siting Board (EFSB or Board) an application to construct and operate the facilities associated with the Revolution Wind Project (Facilities or Project), an offshore wind farm which is projected to deliver approximately 704 megawatts (MW) of renewable energy to Rhode Island and Connecticut.² The proposed Facilities will bring the power generated by the offshore wind farm to shore, connecting to the onshore electric transmission system in Rhode Island. Although the wind farm will consist of wind turbines and an offshore substation located on the outer continental shelf in federal waters, which are outside of the jurisdiction of the Board, the Facilities necessary to connect the wind farm to the onshore electric transmission system are within the jurisdiction of the Board. The proposed Facilities constitute transmission lines greater than 69 kV and thus qualify as a major energy facility, defined by R.I. Gen. Laws § 42-98-4.

II. THE FACILITY

Revolution Wind applied for a license to construct and operate the following Facilities: 1) two 23-mile submarine export cables, 2) two new underground 1-mile 275 kV onshore transmission

¹ Revolution Wind, LLC, a 50/50 joint venture partnership between Ørsted North America Inc. and Eversource Investment LLC, is a Delaware Limited Liability Company with its principal place of business in Providence, Rhode Island. Revolution Wind, LLC was registered to do business in Rhode Island on January 28, 2021.

² The application and all documents filed are available at 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.

cables, 3) an onshore substation, and 4) two new underground 519-foot long, 115 kV high voltage transmission lines. In addition to these newly constructed Facilities, Revolution Wind proposed to: 1) expand the 115 kV side of the Davisville Substation owned and operated by the Narragansett Electric Company d/b/a National Grid (Narragansett Electric or National Grid), and 2) reconfigure 1,340 feet of overhead, 115 kV high voltage transmission lines.

The total land area covered by the aforesaid Facilities is approximately 751.4 acres, which includes both onshore and offshore land area. The 23 miles of export cables will make landfall at Quonset Point in North Kingstown, Rhode Island where they will be jointed with onshore transmission cables before traversing approximately one mile underground to the onshore substation. The onshore substation will connect to an interconnection facility with two 115 kV underground transmission cables, which will then connect to National Grid's adjacent Davisville Substation with two 115 kV overhead transmission circuits. The Applicant anticipates commencing construction in fall of 2022 and having the Project in-service during winter 2023.

III. TRAVEL OF THE CASE

The application was docketed on January 22, 2021. Subsequently and pursuant to the Rule 1.10 of the EFSB Rules of Practice and Procedure (Rules), 445-RICR-00-00-1, both the Town of North Kingstown (Town) and National Grid filed Motions to Intervene. The Applicant did not object to either motion.

After public notice, a preliminary hearing was convened on March 22, 2021.³ 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

³ Notice of the preliminary hearing was published in the *Providence Journal* and *The Independent*; sent directly to the service list; posted on the Public Utilities Commission and Secretary of State websites; and posted in the Public Utilities Commission and the Department of Environmental Management office buildings.

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.”⁴

At the preliminary hearing, the Motions to Intervene filed by National Grid and the Town of North Kingstown were considered. Although the Town filed a Motion to Intervene, the Board’s Rules provide for the right of the Town to participate as a party in the proceeding by filing a Notice of Intervention, because the Facilities will be located within the Town.⁵ The Board treated the motion as a Notice of Intervention. National Grid’s motion, made pursuant to Rule 1.10(B)(2), asserted that because it owns and operates (i) the Davisville Substation, (ii) the overhead transmission lines that are proposed to be upgraded, expanded, and/or reconfigured, and (iii) the property where the new substation is proposed to be constructed and new overhead and underground transmission lines will be located, it has an interest in the proceedings that would not be adequately represented by any other party. National Grid also stated that the Board’s actions in these proceedings could be binding on National Grid. The Board granted National Grid’s motion.⁶

Revolution Wind presented Kellen Ingalls, Director of Business Development for Revolution Wind, and Ken Bowes, Vice President of Offshore Wind Siting and Permitting for Eversource, to describe the Company, illustrate the onshore and offshore components of the Project, and address how the Company would meet the standards set forth in the statute. Kristen Trudel, Lead Offshore Cable Installation Specialist for Ørsted, also provided a brief description of the study conducted

⁴ R.I. Gen. Laws § 42-98-9(a).

⁵ Rule 1.10(A)(1) provides that “[p]articipation in a proceeding as an intervenor may be initiated as follows: 1. By 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).

⁶ 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.”

along the cable routes. She explained why the Applicant had determined a horizontal directional drill (HDD) landing was appropriate for the landing at Quonset Point.

In addition to Mr. Ingalls' and Mr. Bowes' testimony, counsel for the Applicant provided a description of the relationship and jurisdiction between the Town and the Quonset Development Corporation (QDC). Counsel suggested a number of advisory opinions that would be helpful to the Board and asked that advisory opinions be submitted to the Board within four months. Admitted as full exhibits were Revolution Wind's application and a copy of the presentation slides used to describe the Project at the preliminary hearing.

On April 9, 2021, the Board conducted an Open Meeting.⁷ As required by law, the Board determined the issues to be considered in evaluating the application and designated those agencies of state government and of political subdivisions of the state to render advisory opinions.⁸ The issues and designated agencies to render advisory opinions are set forth below. The Board also granted the Applicant's Motion for Protective Treatment of Appendix C and those portions of Appendix A that were deemed to be Critical Energy Infrastructure Information (CEII).

IV. THE ENERGY FACILITY SITING ACT

The Energy Facility Siting Act (Siting Act), R.I. Gen. Laws §§ 42-98-1 *et seq.*, consolidates in the Board, with two exceptions, all state and local governmental regulatory authority for the siting, construction, operation, and alteration of transmission lines of 69 kV or greater, which are included in the definition of "major energy facility."⁹ 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,

⁷ Notice of the open meeting was posted on the Public Utilities Commission and Secretary of State websites and in the Public Utilities Commission and the Attorney General office buildings.

⁸ R.I. Gen. Laws § 42-98-9(a).

⁹ R.I. Gen. Laws § 42-98-3(d).

construction or alteration of a major energy facility in the State of Rhode Island.”¹⁰ 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.”¹¹

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 facilities upon the public health and safety, the environment, and the economy of the state.”¹²

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 license 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.”¹³ 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

¹⁰ *Id.* § 7(a)(1).

¹¹ *Id.* § 11(c).

¹² *Id.* § 1(a).

¹³ *Id.* § 9(a).

action, to the siting board”.¹⁴ Such advisory opinions must be submitted to the Board not more than six months following designation by the Board of the agency that will render the advisory opinion. Such advisory opinions will 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.¹⁵

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 require further 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 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 deemed necessary for the discharge of its duty,¹⁶ and also provides that its provisions shall be construed liberally to effectuate its purposes.¹⁷ Further, the Siting Act clearly envisions that the Board shall have the benefit of the full range of technical expertise available within other existing agencies in making its decisions.¹⁸ 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 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 discretion, occur at the

¹⁴ *Id.* § 7(a)(2).

¹⁵ Rule 1.10(A)(1).

¹⁶ R.I. Gen. Laws § 42-98-7(b).

¹⁷ *Id.* § 18.

¹⁸ *Id.* § 1(d).

Board's preliminary hearing. Following the preliminary hearing, the Board issues a preliminary order establishing the agenda of issues for the Board's final hearing and designates agencies to act at the Board's discretion. Such agenda may be modified, and additional agencies and issues may be designated and determined as needed at any time before the final hearing.¹⁹ The advisory opinions directed by the preliminary order must be submitted to the Board within four months of this Order, i.e., by August 26, 2021. 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. Final hearings regarding the instant application have not yet been scheduled but should begin no later than October 12, 2021.²⁰

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.²¹ 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 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.²²

¹⁹ Rule 1.9(f).

²⁰ At times, it is not possible to conduct hearings within the statutory timeframe due to the complexity of some applications as well as Board members' schedules. There are numerous cases supporting that these time periods are directory rather than mandatory. *See West v. McDonald*, 18 A.3d 526 (R.I. 2011); *New England Development, LLC v. Berg*, 913 A.2d 363 (R.I. 2007).

²¹ R.I. Gen. Laws § 42-98-11(a).

²² *Id.* §§ 11(b), 11(c).

V. ISSUES TO BE CONSIDERED AT FINAL HEARING

The statutory standards by which the application must be judged are found in the Siting Act.²³

Each of the issues that need to be considered are set forth below:

ISSUE 1: Are the proposed Facilities necessary to meet the needs of the state and/or region for energy of the type to be produced (transmitted)²⁴ by the proposed Facilities?²⁵

The Public Utilities Commission (PUC), with participation of the Division of Public Utilities and Carriers (Division), OER, and the Division of Planning of the Department of Administration, must render a single advisory opinion on the need for the Project²⁶ and whether the Project is cost-justified, consistent with the objective of ensuring that the construction and operation of the Facilities will be in compliance with all applicable laws, rules, and regulations.

ISSUE 2: Are the proposed Facilities (A) cost-justified and can it be expected to produce (transmit) 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, 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?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?

²³ *Id.* §§ 11(b), 9(e).

²⁴ The statute uses the word produced; however, here the facilities will not be producing energy but transmitting it.

²⁵ *Id.* § 11(b)(1).

²⁶ *Id.* § 9(d).

²⁷ *Id.* § 11(b)(2).

The PUC's opinion must specifically consider the need for the Project to connect the proposed Revolution Wind Project to the onshore electric transmission system, should the application to construct and operate the Revolution Wind Project, presently pending with the Bureau of Ocean Energy Management, be approved. In rendering its opinion, the PUC must determine the extent to which there is any additional cost impact to consumers related to the Facilities that would be incurred outside of the cost to consumers already embedded in the PPA, or whether any risks associated with the cost of the Facilities are borne exclusively by the Applicant.

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

The Board must consider whether the Facility 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.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 Facilities, in fact, do meet that entity's requirements. The specific advisory opinions in this regard are set forth below.

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

In the event the Board decides that the construction and/or operation of the 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 Facilities cause unacceptable harm to the environment?²⁹

²⁸ *Id.* § 9(b).

²⁹ *Id.* § 11(b)(3).

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 Facilities' impacts on public health, air quality, water quality, water supply, groundwater, wetlands, ambient noise, traffic, wastewater disposal, fish, wildlife, and soil.

ISSUE 4: Will the proposed Facilities 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 Facility's operation and construction on the socio-economic fabric of the state.

VI. EXEMPT LICENSES

In addition to all permitting within the jurisdiction of federal agencies, the Board finds the following 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.
- Air pollution prevention of significant deterioration permit for construction of a facility that will discharge air pollutants from the combustion of natural gas and fuel oil issued pursuant to authority delegated to DEM by the Environmental Protection Agency (EPA) pursuant to the Clean Air Act, 42 U.S.C. Sec. §§ 7401, *et seq.* R.I. Gen. Laws § 23-23-1 *et seq.*
- Water quality certification pursuant to authority delegated to DEM by EPA pursuant to the Clean Water Act, 33 U.S.C. Sec. §§ 1251 *et seq.*, R.I. Gen. Laws §§ 46-12-1 *et seq.*

³⁰ *Id.*

- 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 *et seq.*
- CRMC concurrence with Revolution Wind’s Federal Consistency Certification pursuant to Section 307 of the Coastal Zone Management Act, 16 U.S.C. § 1456 and Coastal Zone Management Act Regulations, 15 CFR Part 930, subpart E and § 11.10 of Rhode Island Ocean Special Area Management Plan, 650-RICR-20-05-11.10
- Category B Asset and Submerged Lands License pursuant to CRMC Management Procedures, 650-RICR-20-00-1.1 *et seq.*
- Freshwater Wetlands Permit pursuant to the Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of Coast, 650-RICR-20-00-2.1 *et seq.*

VII. ADVISORY OPINIONS³¹

A. Jurisdictional Agencies

The following agencies and subdivisions of state and local government that, 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 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 Siting 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 *et seq.*, regarding Decisions and Orders.³² The agency must, however, render an advisory opinion

³¹ The designation letters are attached to this Order as Appendix A.

³² Rule 1.11(A).

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 four months after its designation by the Board (i.e., August 26 2021), its right to render an opinion shall be forfeited.³³

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

1. **The State Building Code Commission** is directed to render an advisory opinion as to whether any variances are necessary for the Facilities' building permit approvals.
2. **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.
3. **The North Kingstown Department of Public Works** is directed to render an advisory opinion as to (i) whether any Town permits are required for street openings and (ii) the potential impacts upon traffic and road conditions associated with the construction and operation of the Facilities on Town roads.
4. **The Rhode Island Department of Environmental Management** is directed to render an advisory opinion as to (i) the impact on vegetative community, fish and wildlife that will be caused by disruption of the habitat and (ii) whether the Facilities will present an unacceptable harm to the environment.
5. **Quonset Development Corporation** is directed to render an advisory opinion as to: (i) whether any permits are required and should be issued for construction and operation of the Facilities on QDC property and within the Quonset Development Park (QDP); (ii) whether the Facilities would meet the requirements of QDC's respective zoning ordinances, and if not,

³³ R.I. Gen. Laws § 42-98-10(a).

whether any variance should be granted; (iii) whether a special use permit should be granted to exempt the Facility from construction hour restrictions; (iv) whether Revolution Wind will be able to be compliant with the North Kingstown Noise Ordinance during construction and operation and, if not, whether a variance should be granted; (v) whether the work proposed is subject to an Erosion and Sediment Control Ordinance, and if so whether Revolution Wind's Erosion and Sediment Control Plan will conform to such or require a variance; (vi) whether the proposed Facilities would meet the requirements of other ordinances; and (vii) whether the proposed Facilities would be a land use consistent with QDC's respective comprehensive plan and whether the activities associated with construction, operation, and maintenance of the proposed Facilities will adversely alter the character of the lands within the QDP. Such advisory opinion should specifically consider and address the potential impacts upon traffic and road conditions associated with the Facilities during construction and operation, and the impacts of noise on the surrounding community.

6. **The North Kingstown Planning Commission** is directed to render an advisory opinion as to (i) whether a major variance is required and will be granted for the Facilities; and (ii) whether Revolution Wind will be able to comply with the North Kingstown Noise Ordinance during construction and operation.

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 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 is directed to render an advisory opinion, taking into account the PUC's prior approval of the Power Purchase Agreement in Docket No. 4929, as to (i) the need for the proposed Facilities; and (ii) whether the Facilities are expected to transmit energy from the offshore generating source of the Revolution Wind Project to the mainland at the lowest reasonable cost to the consumer consistent with the objective of ensuring that the construction and operation of the proposed Facilities will be accomplished in compliance with all of the requirements of the laws, rules, and regulations. 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). The PUC's opinion must specifically consider the need for the Project to connect the proposed Revolution

Wind Project to the onshore electric transmission system, should the application to construct and operate the Revolution Wind Project presently pending with the Bureau of Ocean Energy Management be approved. In rendering its opinion, the PUC must determine the extent to which there is any additional cost impact to consumers related to the Facilities that would be incurred outside of the cost to consumers already embedded in the PPA, or whether any risks associated with the cost of the Facilities is borne exclusively by the Applicant.

2. **The Statewide Planning Program** within the Division of Planning is directed to render an advisory opinion as to (i) the socio-economic impact of the proposed Facilities, including its construction and operation; (ii) the proposed Facilities' consistency and compliance with the State Guide Plan including the State Energy Plan – Energy 2035; and (iii) in coordination with the Rhode Island Office of Energy Resources, a particular examination of the proposed Facilities' consistency and compliance with the State Energy Plan and whether the Facility will conform to the requirements and provisions of the Resilient Rhode Island Act, R.I. Gen. Laws §§ 42-6.2-1 *et seq.*, or any other applicable and/or relevant statute enacted during this session of the General Assembly that would relate to the project, and state energy policies. In addressing the issue of socio-economic impact, consideration must be given to economic and reliability benefits, including employment and tax benefits to the Town of North Kingstown and/or to the State.
3. **The Rhode Island Department of Health** is directed to render an informational advisory opinion on (i) the potential public health concerns relating to the proposed Facilities, including but not limited to biological responses to power frequency, electric, and magnetic fields associated with the operation of the Facilities and (ii) the potential impacts on the quality of drinking water associated with the construction and operation of the proposed Facilities. In

particular, the Department of Health should review and comment on Section 7.8 and Appendix F of the application.

Accordingly, it is hereby

(149) ORDERED


1. The following State of Rhode Island and local agencies and political subdivisions 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 State Building Code Commission
 - b. The Historical Preservation & Heritage Commission
 - c. The North Kingstown Department of Public Works
 - d. The Department of Environmental Management
 - e. Quonset Development Corporation
 - f. The North Kingstown Planning Commission
 - g. The Public Utilities Commission
 - h. The Statewide Planning Program
 - i. The Department of Health
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 DAY OF APRIL 26,
2021.

ENERGY FACILITY SITING BOARD



Ronald T. Gerwatowski, Chairman



Janet Coit, Member



Meredith Brady, Member



APPENDIX A

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND LLC'S APPLICATION TO CONSTRUCT THE FACILITIES
ASSOCIATED WITH THE REVOLUTION WIND PROJECT IN NORTH KINGSTOWN,
RHODE ISLAND – DOCKET NO. SB-2021-01

**NOTICE OF DESIGNATION TO THE STATE BUILDING CODE COMMISSION TO
RENDER AN ADVISORY OPINION**

By Order 86 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 State Building Code Commission 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 Revolution Wind LLC's (Revolution Wind) application to construct the Facilities associated with the Revolution Wind Project in North Kingstown, Rhode Island filed in Docket No. SB-2021-01. 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 149 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before August 26, 2021, 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 401-780-2173, or by email at emma.rodvien@puc.ri.gov.



Emma Rodvien, Coordinator
Energy Facility Siting Board
April 26, 2021

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND LLC'S APPLICATION TO CONSTRUCT THE FACILITIES
ASSOCIATED WITH THE REVOLUTION WIND PROJECT IN NORTH KINGSTOWN,
RHODE ISLAND – DOCKET NO. SB-2021-01

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

By Order 86 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 Revolution Wind LLC's (Revolution Wind) application to construct the Facilities associated with the Revolution Wind Project in North Kingstown, Rhode Island filed in Docket No. SB-2021-01. 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 149 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before August 26, 2021, 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 401-780-2173, or by email at emma.rodvien@puc.ri.gov.



Emma Rodvien, Coordinator
Energy Facility Siting Board
April 26, 2021

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND LLC'S APPLICATION TO CONSTRUCT THE FACILITIES
ASSOCIATED WITH THE REVOLUTION WIND PROJECT IN NORTH KINGSTOWN,
RHODE ISLAND – DOCKET NO. SB-2021-01

**NOTICE OF DESIGNATION TO THE TOWN OF NORTH KINGSTOWN
DEPARTMENT OF PUBLIC WORKS TO RENDER AN ADVISORY OPINION**

By Order 86 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 North Kingstown Department of Public Works 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 Revolution Wind LLC's (Revolution Wind) application to construct the Facilities associated with the Revolution Wind Project in North Kingstown, Rhode Island filed in Docket No. SB-2021-01. 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 149 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before August 26, 2021, 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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Emma Rodvien, Coordinator
Energy Facility Siting Board
April 26, 2021

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND LLC'S APPLICATION TO CONSTRUCT THE FACILITIES
ASSOCIATED WITH THE REVOLUTION WIND PROJECT IN NORTH KINGSTOWN,
RHODE ISLAND – DOCKET NO. SB-2021-01

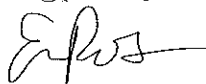
**NOTICE OF DESIGNATION TO THE RHODE ISLAND DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT TO RENDER AN ADVISORY OPINION**

By Order 86 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 Revolution Wind LLC's (Revolution Wind) application to construct the Facilities associated with the Revolution Wind Project in North Kingstown, Rhode Island filed in Docket No. SB-2021-01. 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 149 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before August 26, 2021, 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 401-780-2173, or by email at emma.rodvien@puc.ri.gov.



Emma Rodvien, Coordinator
Energy Facility Siting Board
April 26, 2021

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND LLC'S APPLICATION TO CONSTRUCT THE FACILITIES
ASSOCIATED WITH THE REVOLUTION WIND PROJECT IN NORTH KINGSTOWN,
RHODE ISLAND – DOCKET NO. SB-2021-01

**NOTICE OF DESIGNATION TO THE QUONSET DEVELOPMENT CORPORATION
TO RENDER AN ADVISORY OPINION**

By Order 86 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 Quonset Development Corporation 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 Revolution Wind LLC's (Revolution Wind) application to construct the Facilities associated with the Revolution Wind Project in North Kingstown, Rhode Island filed in Docket No. SB-2021-01. 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 149 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before August 26, 2021, 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 401-780-2173, or by email at emma.rodvien@puc.ri.gov.



Emma Rodvien, Coordinator
Energy Facility Siting Board
April 26, 2021

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND LLC'S APPLICATION TO CONSTRUCT THE FACILITIES ASSOCIATED WITH THE REVOLUTION WIND PROJECT IN NORTH KINGSTOWN, RHODE ISLAND – DOCKET NO. SB-2021-01

NOTICE OF DESIGNATION TO THE TOWN OF NORTH KINGSTOWN PLANNING COMMISSION TO RENDER AN ADVISORY OPINION

By Order 86 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 North Kingstown Planning Commission 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 Revolution Wind LLC's (Revolution Wind) application to construct the Facilities associated with the Revolution Wind Project in North Kingstown, Rhode Island filed in Docket No. SB-2021-01. 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 149 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before August 26, 2021, 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 emma.rodvien@puc.ri.gov.



Emma Rodvien, Coordinator
Energy Facility Siting Board
April 26, 2021

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND LLC'S APPLICATION TO CONSTRUCT THE FACILITIES
ASSOCIATED WITH THE REVOLUTION WIND PROJECT IN NORTH KINGSTOWN,
RHODE ISLAND – DOCKET NO. SB-2021-01

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

By Order 86 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 Revolution Wind LLC's (Revolution Wind) application to construct the Facilities associated with the Revolution Wind Project in North Kingstown, Rhode Island filed in Docket No. SB-2021-01. 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 149 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before August 26, 2021, 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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Emma Rodvien, Coordinator
Energy Facility Siting Board
April 26, 2021

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND LLC'S APPLICATION TO CONSTRUCT THE FACILITIES
ASSOCIATED WITH THE REVOLUTION WIND PROJECT IN NORTH KINGSTOWN,
RHODE ISLAND – DOCKET NO. SB-2021-01

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

By Order 86 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 Revolution Wind LLC's (Revolution Wind) application to construct the Facilities associated with the Revolution Wind Project in North Kingstown, Rhode Island filed in Docket No. SB-2021-01. 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 149 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before August 26, 2021, 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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Emma Rodvien, Coordinator
Energy Facility Siting Board
April 26, 2021

**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

IN RE: REVOLUTION WIND LLC'S APPLICATION TO CONSTRUCT THE FACILITIES
ASSOCIATED WITH THE REVOLUTION WIND PROJECT IN NORTH KINGSTOWN,
RHODE ISLAND – DOCKET NO. SB-2021-01

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

By Order 86 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 Revolution Wind LLC's (Revolution Wind) application to construct the Facilities associated with the Revolution Wind Project in North Kingstown, Rhode Island filed in Docket No. SB-2021-01. 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 149 of the Board, the designated agency shall conclude its consideration and issue its advisory opinion on or before August 26, 2021, 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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Emma Rodvien, Coordinator
Energy Facility Siting Board
April 26, 2021