STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

In re: Rhode Island LFG Genco ("Ridgewood")	:	
d/b/a National Grid's Notice of Intent	:	**Docket No. SB-2009-1**
To Construct Power Line	:	

FINAL DECISION AND ORDER

I. Introduction

On February 10, 2009, Rhode Island Genco, an affiliate of Ridgewood Renewable Power LLC ("Ridgewood" or the "Company") filed a Notice of Intent Application with the Energy Facility Siting Board ("EFSB" or "Board") pursuant to the Board's Rule 1.6(f). Ridgewood proposes to construct a 0.5 mile 115 kV transmission line for the purpose of interconnection of its proposed new waste-to-energy facility to National Grid's ("NGrid") transmission facilities. The proposed project will be constructed entirely over land owned by Rhode Island Resource Recovery Corporation ("RIRRC").

II. Travel of the Case

This case has been filed with the EFSB under Rules 1.6(f) through 1.6(h) which provide an expedited review process for (i) the construction of a power line of more than 1,000 feet, but less than 6,000 feet in length or (ii) the modification or relocation of a power line.[1] For such projects, the EFSB Rules provide for an abbreviated application (Rule 1.6(f)) followed by a public hearing "in one or more of the cities or towns affected by [the] application" (Rule 1.6(g)). Thereafter, the Board reaches a determination within sixty (60) days of the filing as to whether the Project "may result in a significant impact on the environment or the public health, safety and

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1 Under the Energy Facility Siting Act (R.I. Gen. Laws § 42-98-1 et seq.), the Board's jurisdiction over power lines is limited to those of 69 kV and above. R.I. Gen. Laws § 42-98-3(d).

welfare," thereby requiring full EFSB review. Rule 1.6(h). The "construction of a new power line which is more than 1,000 but less than 6,000 feet in length ... shall not be an alteration unless the Board determines that the project may result in a significant impact on the environment or on the public health, safety and welfare." Rule 1.2(d). If the Board determines that the project will not result in a significant impact on the environment or the public health, safety and welfare, the project does not constitute an "alteration" and the project may proceed without further review by the Board. Rule 1.2(d) and Rule 1.6(f).

As required by Rule 1.6(g), the Board held a hearing on April 1, 2009 at 6:00 P.M. at the RIRRC Administration Building, 65 Shun Pike, Johnston, Rhode Island pursuant to public notice. Ridgewood presented two witnesses. The first was Stephen Galowitz, Ridgewood's Managing Director, who described the Project and its need. The second witness was Greg Klabon, a principal engineer with EIG Group, who testified about the proposed looping system. Dr. Sullivan[2] solicited public comment at the hearing, but none was offered. After the completion of that hearing, the Board issued an Order finding that Ridgewood's failure to provide the Board with a system impact study and an agreement between National Grid and Ridgewood as to how the 115 kV transmission line will interconnect with National Grid's transmission line prevented that Board from concluding that the proposed interconnection would not adversely affect reliability or result in a significant impact on the environment or on the public health, safety and welfare. The Board ordered Ridgewood to file a system impact study and interconnection agreement with the Board as soon as it was able to do so. The Board would

[2] Chairman Elia Germani was unable to attend the hearing. Dr. W. Michael Sullivan presided over the hearing with Mr. Kevin M. Flynn.

then schedule a hearing on the sole issues of system impact and interconnection for hearing within thirty (30) days of the submission.

On March 19, 2010, Ridgewood filed both the system impact study and interconnection agreement with the Board. As required by the April 20, 2009 decision, the Board scheduled a hearing for April 16, 2010. Prior to the hearing date, NGrid moved to intervene which was assented to by Ridgewood. Chairman Germani granted the Motion to Intervene on April 14, 2010. On April 16, 2010, the Board held another hearing to further investigate whether Ridgewood's proposed transmission line would cause a significant impact on the environment or the public health, safety and welfare.

III. Statutory Standard

As noted previously, the Board must determine whether the Project "may result in a significant impact on the environment or the public health, safety and welfare." If the Board determines that it may have such an impact, it will determine that the Project would constitute the alteration of a major energy facility and be subject to the full EFSB permitting process. If the Board determines that the Project will not have such an impact, the applicant is authorized to proceed with the Project.[3]

IV. Project Description

At the present time, Ridgewood operates three plants with a total net capacity of approximately 20.5 megawatts located at the Central Landfill in Johnston. The facilities convert methane gas into electricity. RIRRC is expanding the existing Central Landfill which necessitates Ridgewood's need to decommission its existing 12 megawatt waste-to-energy facility and construct a larger one located on RIRRC property. The new facility will have a 41

[3] Energy Facility Siting Board Rules of Practice and Procedure 1.6(h).

megawatt capacity ("New Waste-to-Energy Plant"). Ridgewood needs the proposed 115 kV power line interconnect project to connect the New Waste-to-Energy Plant to the existing transmission grid. To accomplish this interconnection, Ridgewood needs to intercept with NGrid's existing 115 kV transmission line and proposes to construct a 115 kV loop into a new 115 kV switchyard. All of this will be accomplished on property owned by RIRRC.[4]

A. Need for the Project

Ridgewood identifies the need for the Project being required by RIRRC's critical need to accommodate expansion of the landfill. Ridgewood asserts that the landfill expansion cannot proceed until its 12 megawatt facility is decommissioned and removed. It cites Rhode Island's goal of promoting the development of renewable energy resources and the creation of more renewable energy credits to stimulate investment and development of renewable energy to benefit Rhode Island pursuant to R.I. Gen. Laws §39-26-1 *et seq.*[5]

B. Project Description and Construction Practices

Ridgewood proposes a loop consisting of two 115 kV lines and a 115 kV switchyard with a new dedicated generator step-up transformer for connection of the new generation to the switchyard all on land owned by RIRRC. Stephen Galowitz, Managing Director of Ridgewood testified about the Project and how it requires the new transmission line. Mr. Galowitz described the length of the line as between a third and a half mile. He noted that the proposed above-ground line will consist of a loop of 115 kV in and out of the existing transmission corridor and in and out of a new substation. The entire project will run over land currently owned by RIRRC.[6]

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[4] Ridgewood Exhibit 1, Notice of Intent to Construct Power Line, filed February 10, 2009 at 3-6.
[5] Id. at 6-8.
[6] Transcript of April 1, 2009 hearing ("Transcript 1") at 10-19.

During the April 1, 2009 hearing, Greg Klabon, a principal engineer with EIG Group, also provided testimony describing the proposed loop system. He noted that the proposal would intercept National Grid's transmission line by breaking it in the right-of-way to create the loop that would come in and out of the proposed switch area. He described the single pole steel towers with three arms on one side that will run through the 120 foot wide transmission line easement as being approximately 75 feet in height. He pointed out that the actual height of the towers would be determined upon final design of the transmission line. When asked about whether the vertical configuration was the most cost effective and efficient, Mr. Klabon stated that it was, considering the amount of land available and pointed out that the land available would not support a horizontal configuration.[7]

Mr. Klabon also testified that Ridgewood was currently engaging in a system impact study with National Grid and ISO New England to completely study the reliability impacts that its project would have on the transmission system. He anticipated completion of the study in the beginning of May, 2009. Mr. Klabon represented that Ridgewood and National Grid were in agreement that the loop configuration was the best one and made the most sense.[8]

Mr. Galowitz provided additional pre-filed testimony on March 19, 2010 noting that the Board's approval was necessary to Ridgewood's ability to attract and obtain necessary financing to complete its project and reiterating the benefits that would result from approval of the project.[9] Mr. Klabon also provided pre-filed testimony on March 19, 2010 to supplement what he had previously filed regarding the System Impact Study and Interconnection Agreement. He noted

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[7] *Id.* at 23-25.
[8] *Id.* at 25-27. The Board has no independent confirmation of any agreement with National Grid beyond Ridgewood's oral representations. In fact, during the hearing, Ridgewood acknowledged that without the agreement of National Grid, it cannot proceed with its Project. Transcript 1 at 37.
[9] Ridgewood Exhibit 5.

that at the current time the Interconnection Agreement was not executed, because three issues remained unresolved: 1) the cost recovery for the transmission network upgrades, 2) the tax markup on Contributions In Aid of Construction ("CIAC") and 3) the terms of the easement that Ridgewood would convey to NGrid for the 115 kV switchyard site. While Ridgewood and NGrid are in substantial agreement regarding the terms of the Interconnection Agreement, these three issues must be resolved by FERC.[10] Mr. Klabon noted that during the FERC arbitration process, the parties must comply with the terms of the Agreement that are not in dispute.[11] He indicated that the System Impact Study evaluates the impact of the interconnection of the proposed generation on the reliability and operating characteristics of the regional transmission system.[12] Of the two upgrades required by the Study, Mr. Klabon represented that both have been incorporated into the project plans.[13]

Mr. Galowitz testified that he anticipated resolution of the FERC arbitration process to occur within ninety days of the filing and that NGrid's filing of the matter was imminent.[14] When questioned regarding cost impacts resulting from FERC's decision, Mr. Galowitz testified that Ridgewood presumes that NGrid will prevail so any cost impact would be a reduction in costs if FERC rules in favor of Ridgewood.[15]

V. Impact of the Project upon the Environment and Public Health, Safety and Welfare

The Project consists of constructing a new 115 kV transmission line. The Project's purpose is for the interconnection of Ridgewood's proposed new methane recovery-to-energy

[10] Ridgewood Exhibit 4.
[11] FERC Order No. 2003, Standardization of Generator Interconnection Agreements and Procedures, 104 FERC ¶ 61, 103 (July 24, 2003), ISO New England, FERC Electric Tariff No. 3, Open Access Transmission Tariff, 1st Rev. Sheet No. 5187, Schedule 22, Section 11.4.
[12] Ridgewood Exhibit 4.
[13] Transcript of Hearing, April 16, 2010 ("Transcript 2") at pp.15-16.
[14] *Id.* at 16.
[15] *Id.* at 18-19.

facility to National Grid's transmission facilities. Construction of the line will be entirely over land owned by Rhode Island Resource Recovery ("RIRRC").[16] The Project will involve erecting single pole steel towers with three arms on one side that will run through the 120 foot wide transmission line easement as being approximately 75 feet in height.[17]

Ridgewood stated that because the Project will occur entirely on RIRRC property and will only be approximately 0.5 miles in length, there is no need for a more detailed analysis of the baseline conditions and scientific research pertinent to electromagnetic fields pursuant to Rule 1.6(f)(3) of the Siting Board's Rules. Furthermore, Ridgewood asserted that the Project will not constitute an alteration, because it will not cause a significant impact on the environment or the public health, safety and welfare.[18]

VI. Conclusion

The Board finds that the testimony and exhibits filed by Ridgewood support the Board's conclusion that the proposed transmission line will not result in a significant impact on the environment or on the public health, safety and welfare.

Accordingly, it is:

(64) ORDERED:

For the reasons discussed above, the Energy Facility Siting Board hereby approves Ridgewood's application for a license under Chapter 98 of Title 42 for authority to construct a 115 kV transmission line subject to the following conditions:

1. Receipt by Ridgewood of the permits required for the project;
2. FERC resolution of the outstanding issues set forth above; and

[16] Ridgewood Exhibit 1 at 3.
[17] Transcript 1 at 24.
[18] Ridgewood Exhibit 1 at 6, 8.

3. A final agreement with National Grid regarding interconnection.

DATED AND EFFECTIVE at Warwick, Rhode Island on April 16, 2010 pursuant to an open meeting decision. Written Order issued June 11, 2010.

ENERGY FACILITY SITING BOARD

Elia Germani, Chairman

Kevin M. Flynn, Member

W. Michael Sullivan, Ph.D., Member