



DESAUTEL LAW

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July 21, 2022

VIA USPS AND ELECTRONIC MAIL

Emma Rodvien, Coordinator
Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888


**RE: Docket No. SB-2022-02 – Mayflower Wind Energy LLC Application
For a License to Construct Major Energy Facilities**

Dear Ms. Rodvien:

Enclosed herewith please find an original and nine (9) copies of the Town of Middletown's Motion to Intervene for filing in the above-entitled matter.

Please be advised that an electronic copy of this document has been sent to the Service List. Thank you for your attention to this matter.

Sincerely,


Marisa Desautel, Esq. (CXA)

Enclosures

Cc: Service List

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

**IN RE: MAYFLOWER WIND ENERGY LLC :
APPLICATION FOR A LICENSE TO : Docket No. SB-2022-02
CONSTRUCT MAJOR ENERGY FACILITIES :**

TOWN OF MIDDLETOWN'S MOTION TO INTERVENE

NOW COMES the Town of Middletown ("Town"), by and through its undersigned counsel, and hereby moves the Energy Facility Siting Board ("EFSB" or "Board") to allow the Town to intervene in the above-captioned proceeding. Pursuant to Rule 1.10(d)(1) of the Board Rules of Practice and Procedure ("Rules"), and in support of its Motion, the Town asserts that:

Rule 1.10(b) states that "any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Board."

Such right or interest may be the result of:

- i. 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;
- ii. Any other interest of such nature that petitioner's participation may be in the public interest.

FACTS

1. On May 31, 2022, the Applicant, Mayflower Wind Energy LLC ("Applicant" or "Mayflower"), filed an Application to construct transmission facilities necessary to connect Mayflower's offshore wind generation facility to a regional transmission system to be located in Somerset, Massachusetts.
2. According to the Applicant, the proposed facility will be capable of generating up to 2,400 MW.
3. The application seeks approval of the following facilities:
 - i. Two (2) - HVDC 20-mile submarine export cables that will run up the Sakonnet River, passing just offshore of the Town of Middletown;

- ii. Anticipated intermediate landfall of the Applicant's cables is currently proposed on the northeastern shore of Portsmouth, Rhode Island, a municipality directly abutting the Town of Middletown;
 - iii. After anticipated landfall the cables are planned to cross the Town of Portsmouth underground, and transition back offshore in Mount Hope Bay;
 - iv. Two (2) HVDC 2-mile onshore export cables within a single onshore cable route that will traverse Portsmouth underground;
 - v. Two (2) landfall work areas are also proposed on Aquidneck Island for horizontal directional drilling activities:
 - o One (1) on the northeast shore of Portsmouth, and
 - o One (1) on the northwest shore.
 - vi. A proposed "Noticed Variation" by the Applicant, which, if considered and approved by the board as an alternative to the current proposal, "would facilitate the future delivery of additional power from the Mayflower Wind offshore generation facility by "right-sizing" certain transmission facilities."
4. As indicted in Figure 7-1 of the Application, the Applicant's proposed cable route, as currently proposed, is located less than one (1) mile off the coast of the Town of Middletown. (See Application at p 292, Figure 7-1).
 5. According to the Applicant, "offshore export cable installation and burial methods ... will cause temporary disturbances to the seafloor within the ECC ... The offshore export cable burial techniques will temporarily displace sediments that may result in resuspension within the water column." (See Application at Section 8.1.14).

GROUNDS TO INTERVENE

6. The Town of Middletown's interests may be directly affected by the outcome of these proceedings and said interests of the Town are not adequately represented by existing parties.
7. As the Applicant's proposal may include the subsea hazards along the Town's coastline, the Town should be allowed as an intervening party to ensure that the Applicant's data is credible, or supplemented as necessary.
8. The Applicant's proposal is likely to affect views, water access, and navigation during installation, operation, maintenance, and decommissioning of the proposed cables as well as associated project turbines and platforms, which will be visible, such that granting the Town's Motion is in the public interest.

9. Said disturbances during cable installation under the seabed along the coast of the Town of Middletown are likely to affect the Town's shoreline, recreational activities, as well as its' navigation related infrastructure (buoys, etc.), and the environment such that the Applicant has already identified the Town as a stakeholder. (See Application at Pg. 4-19; Section 4.7.1 – Agency and Stakeholder Engagement; Table 4-9.)
10. A request by the Applicant for the Board to consider, during hearing, any "variation," to the current application should involve all local municipalities involved, including the Town of Middletown.

POSITION OF THE TOWN OF MIDDLETOWN

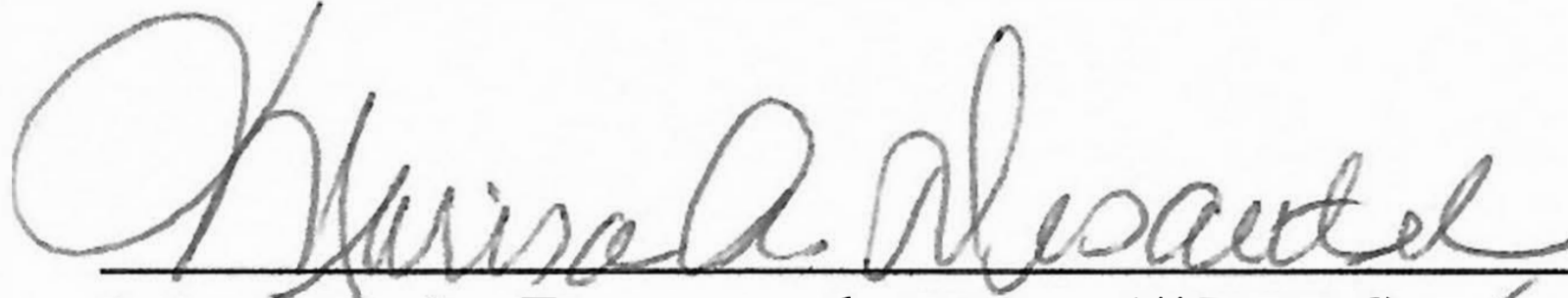
11. For the reasons stated herein, the Town has valid concerns about the environmental effects from seafloor disturbance, sedimentation, and ongoing safety of buried cables related to the Applicant's proposed construction, installation, operation, maintenance, and decommissioning activities.
12. Anticipated impacts to recreation could affect the Town's shoreline uses and planned activities including, but not limited to, navigation, fishing, boating, mooring, swimming, and community events.
13. The Town is further concerned about the impact on views from the Town being impacted by the installation of turbines and platforms.

CONCLUSION

14. For these reasons, and as the Town of Middletown's interests are of such nature that intervention is necessary and appropriate, the Town respectfully requests that its' Motion to Intervene be granted.

Dated: July 21, 2022

Respectfully submitted:


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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that an original and (9) copies of the within Town of Middletown's Motion to Intervene was mailed to Emma Rodvien, Energy Facility Siting Board Coordinator, 89 Jefferson Boulevard, Warwick, Rhode Island 02888, for filing, and a true copy of the within was served via electronic mail upon all parties set forth in the attached Service List Updated July 14, 2022 on the 21st day of July, 2022.

