



For a thriving New England

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January 6, 2017

Todd Bianco
Coordinator, RI Energy Facility Siting Board
89 Jefferson Blvd.
Warwick, RI 02888

Re: Procedural Issues Regarding Energy Facility Siting Board Docket SB-2015-06

Dear Mr. Bianco:

The purpose of this letter is to address two procedural issues regarding Energy Facility Siting Board Docket SB-2015-06.

First, on October 20, 2016, the Board issued a written order with an effective date of October 13, 2016 suspending Docket SB-2015-06 for ninety days. The Board found that “[t]he lack of information regarding Invenergy’s water source rendered its application incomplete and therefore not in compliance with Rule 1.6(b)(4) of the Rules of Practice and Procedure.” The Board therefore ordered that “the proceedings shall be suspended for ninety days allowing time for Invenergy to remedy the incomplete application.” It is anticipated that on or about January 10, 2017 – ninety days from October 13, 2016 – Invenergy will file additional application material with the Board.

When the Board issued its order suspending Docket SB-2015-06, CLF had an outstanding motion to dismiss on the basis that not only was Invenergy’s application incomplete, but also its failure to participate fully in other agencies’ advisory-opinion processes effectively deprived those agencies and the Board of the information necessary for them to carry out their duties under the Energy Facility Siting Act. With the Docket suspended, that motion remains pending.

CLF respectfully requests that no hearing be scheduled on CLF’s motion to dismiss for three weeks following reopening of Docket SB-2015-06 on January 10, 2017, to allow CLF time to consider any new filings by Invenergy and to file updated motion papers as appropriate. The result would be a hearing date on or after January 31, 2017.

Second, should Docket SB-2015-06 proceed to hearing following consideration of CLF’s motion to dismiss, please be aware of the following dates on which CLF’s expert witnesses will be

unavailable. CLF expert witness Prof. Timmons Roberts will be unavailable on the following dates:

- January 20
- January 31
- February 10-16
- February 22-24
- March 8-10
- March 27-31
- April 5-7
- May 11-24

And CLF expert witness Scott Comings will be unavailable on the following dates:

- March 27-31

CLF will make Prof. Roberts and Mr. Comings available on any other dates convenient to the EFSB.

Thank you very much for your attention to these matters.

Best regards,



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