

April 7, 2017

Via Federal Express/Electronic Mail

Todd Anthony Bianco, EFSB Coordinator
RI Energy Facilities Siting Board
89 Jefferson Blvd.
Warwick, RI 02888

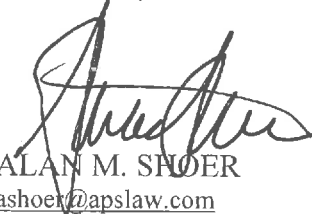
Re: *Invenergy Docket No. SB-2015-06*

Dear Mr. Bianco:

On behalf of Invenergy Thermal Development LLC (“Invenergy”), enclosed please find an original and ten (10) copies of Invenergy’s Response to the Town of Burrillville’s 26th Set of Data Requests.

Please let me know if you have any questions.

Very truly yours,



ALAN M. SHOER
ashoer@apslaw.com

Enclosures

cc: Service List

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: INVENERGY THERMAL DEVELOPMENT LLC's
APPLICATION TO CONSTRUCT THE CLEAR RIVER
ENERGY CENTER IN BURRILLVILLE, RHODE ISLAND

DOCKET No. SB-2015-06

**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
THE TOWN OF BURRILLVILLE'S 26th SET OF DATA REQUESTS**

26-1

With regard to (a) each of the expert witnesses previously disclosed by Invenergy as shown below, (b) any additional expert witnesses that have been identified since Invenergy's original expert disclosure, and (c) any additional expert witnesses Invenergy believes it may call at the evidentiary presentation in this matter, please provide separately for each witness the following:

1. Describe in detail the subject matter upon which each expert is expected to testify.
2. State in detail and provide supporting documentation for the substance of the facts and opinions to which each expert is expected to testify.
3. State in detail the grounds for each opinion to which each expert is expected to testify.
4. For each expert witness, please state whether the expert has previously provided testimony on the subject matter to which the expert is expected to testify, and if so, please provide a summary of the testimony previously given, together with a copy of the transcript of such testimony, if available.

- John Niland
- Michael Feinblatt
- Ryan Hardy
- Edinaldo Tebaldi
- Jeff Hershberger
- Jason Ringler
- George Bacon
- Jim Riordan
- Michael Hankard
- William Bailey
- Christopher Donta
- Maureen Chlebek
- Robert Smith
- Gordon Perkins
- Edward Pimentel
- Michael Marous
- Richard Lipsitz
- John Carter
- Chad Jacobs

RESPONSE 26-1: On September 12, 2016, pursuant to the Energy Facility Siting Board ("EFSB" or "Board") schedule, Invenergy submitted a list of the expert witnesses that it expects will be testifying in this matter, and the primary topics they will address. The witnesses described above were included in that filing. That filing was provided in response to the Board's procedural schedule, in anticipation of testimony at the final hearings. Additionally, Invenergy filed with the Board copies of the CVs for the experts identified. Again, these experts are identified in the list noted above.

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EFSB Rule 12.1(c) states that pre-filed direct testimony shall be filed no later than ten (10) days before the commencement date for the final hearing. This data request seeks the information that is required by the Board's Procedural Rules to be produced in the form of pre-filed direct testimony, which Invenergy anticipates it will be filing as the application moves towards final hearing, and in accordance with any further procedural schedule for the filing of Pre-Filed Direct, and Rebuttal Testimony that the Board may establish.

Invenergy's pre-filed testimony will provide the information required by Rule 1.12 ("all direct testimony in writing and copies of all documents and other evidence that the party proposes to introduce at the final hearing"). Invenergy's Pre Filed testimony will also include the grounds and support for each opinion given.

Further, the request that Invenergy provide a summary of the testimony previously given by each expert throughout their careers, on similar and general "subject matters" of expertise, together with a copy of the transcript of such testimony is vague and overbroad and overly burdensome. For example, Edward Pimentel, Invenergy's planning expert, has testified in hundreds of Zoning and Planning Board hearings over the course of his career on the "subject matter" of land use planning and compliance with local zoning codes and ordinances generally and with regard to a particular project. It would be nearly impossible to provide a summary of all the testimony previously given by this expert on all development projects throughout his career or to locate all the transcripts of testimony previously given. The same holds true for other expert witnesses. Invenergy objects to this portion of the data request if that is the intent of the request.

If the scope of the data requests relates to testimony regarding the Invenergy application, and testimony provided thus far on the application by Invenergy's expert witnesses, on information and belief, the Town is in possession of the testimony and transcripts of the Invenergy expert witnesses, identified above, that testified at the Town Planning and Zoning Advisory Opinion process. Similarly, on information and belief, the Town is in possession of the transcripts of the testimony of Invenergy's witnesses, identified above, that testified at the Advisory Opinion process with the Public Utilities Commission, in Docket 4609.

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ENERGY FACILITY SITING BOARD

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**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
THE TOWN OF BURRILLVILLE'S 26th SET OF DATA REQUESTS**

INVENERGY THERMAL DEVELOPMENT LLC
By its Attorneys,

/s/ Alan M. Shoer

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Dated: April 7, 2017

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2017, I delivered a true copy of the foregoing responses to the Town of Burrillville's 26th Set of Data Requests via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer

SB-2015-06 Invenergy CREC Service List as of 03/08/2017

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