

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: Application of
Invenergy Thermal Development LLC's
Proposal for Clear River Energy Center

Docket No. SB 2015-06

**RESPONSE OF CONSERVATION LAW FOUNDATION
TO BURRILLVILLE'S MOTION TO DISMISS**

Conservation Law Foundation supports Burrillville's July 13, 2017, Motion To Dismiss, and respectfully urges the Energy Facility Siting Board to grant the Motion.

Burrillville's Motion is based on a jurisdictional requirement of the Energy Facilities Siting Act. R.I. Gen Laws § 42-98-8(a). As such, it cannot be waived by the EFSB under any circumstances. Yetner v. Corkery, 706 A.2d 1331, 1332 (R.I. 1998).

Indeed, failure to dismiss in this circumstance would be reversible error. Goode v. United States, 305 F.3d 378, 386 (6th Cir. 2002 ("jurisdictional defect requires reversal").

CONSERVATION LAW FOUNDATION,
by its Attorneys,



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CERTIFICATE OF SERVICE

I certify that an original and 10 copies of this Motion were filed by hand with the Energy Facility Siting Board, 99 Jefferson Blvd., Warwick, RI 02888. I certify that electronic copies of this letter were served on the entire service list of this Docket. I certify that both of these things were done on July 17, 2017.


