

Schacht & McElroy

*Michael R. McElroy
Leah J. Donaldson*

Attorneys at Law

*Michael@McElroyLawOffice.com
Leah@McElroyLawOffice.com*

*Members of the Rhode Island
and Massachusetts Bars*

*21 Dryden Lane
Post Office Box 6721
Providence, RI 02940-6721*

*(401) 351-4100
fax (401) 421-5696*

February 3, 2017

Todd Anthony Bianco
Coordinator
Rhode Island Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

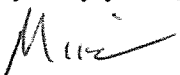
Re: Invenergy Thermal Development LLC – Clear River Energy Center
Docket No. SB-2015-06

Dear Dr. Bianco:

Enclosed for filing in this matter are an original and 10 copies of the Supplement of the Town of Burrillville to its Motion to Dismiss the Application and Close the Docket. Electronic copies have been sent to the service list.

If you have any questions, please feel free to call.

Very truly yours,


Michael R. McElroy

MRMc:tmg

cc: Service List

Burrillville Invenergy EFSB Supplement

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: INVENERGY THERMAL DEVELOPMENT LLC's :
APPLICATION TO CONSTRUCTION THE : DOCKET No. SB-2015-06
CLEAR RIVER ENERGY CENTER IN :
BURRILLVILLE, RHODE ISLAND :

**SUPPLEMENT OF THE TOWN OF BURRILLVILLE TO ITS
MOTION TO DISMISS THE APPLICATION AND CLOSE THE DOCKET**

The Town of Burrillville (the "Town"), an intervenor as of right in this docket, and the proposed host community for the Clear River Energy Center, submits this Supplement to its September 13, 2016 Motion requesting that the Energy Facility Siting Board ("EFSB" or "Board) issue an Order dismissing the Application to construct the Clear River Energy Center and closing the docket. The purpose of this supplemental filing is to bring to the attention of the Board a Resolution of the City Council of the City of Providence that was passed yesterday evening, February 2, 2017. A copy of that Resolution is attached hereto as Exhibit A.

The Providence Water Supply Board ("Providence Water") is a department of the City of Providence. Providence Water supplies water to the Town of Johnston on a wholesale basis. The water supply plan submitted on behalf of the Clear River Energy Center on January 11, 2017 states that "[w]ater for use at the Facility will be supplied from the Town of Johnston, Rhode Island under a long term water supply agreement and delivered to the Facility via public roads by trucks" (at 1). The plan also states that "[t]he Town of Johnston purchases its municipal water from the Providence Water supply system, which has its own water reservoirs and water treatment facility." (at 1).

The attached Resolution of the Providence City Council does a number of things.

First, it states that the City Council of the City of Providence "does hereby oppose the siting of the Clear River Energy Center in Burrillville, RI."

Second, it states “BE IT FURTHER RESOLVED, That, as the democratically elected representatives of the people of Providence, the City Council does not support and hereby expresses serious concern over the use of water from the Providence Water Supply Board for the Clear River Energy Center.” The Resolution states that the Providence City Solicitor must “provide the City Council with information and clarification regarding the City’s and the Providence Water Supply Board’s ability to prevent the use of Providence water at the CREC power plant and legality of the resale and markup of Providence water by Providence Water Supply Board wholesale customers.”

Although it is very important that the City of Providence has become the 24th city/town to formally oppose the Clear River Energy Center by passing a city/town Resolution against the Center, for purpose of the Town of Burrillville’s Motion to Dismiss, the crucial point in this Resolution is that the Clear River Energy Center water plan may not be viable at all. The plan relies on water to be supplied by Johnston. Johnston obtains its water from Providence Water. However, Providence is seeking “to prevent the use of Providence water at the CREC power plant” and is questioning the “legality of the resale and markup of Providence water by [Johnston].”

Finally, the Providence City Council has flatly stated that it “does not support . . . the use of water from the Providence Water Supply Board for the Clear River Energy Center.”

The Clear River Energy Center water plan is wholly dependent on water being supplied by Providence Water Supply Board to the Town of Johnston and then resold to Clear River Energy Center. However, it now appears that proposed arrangement will be subject to legal challenges. The viability of the entire water plan is in serious question.¹

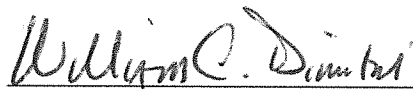
¹ We have also been informed that there are approximately ten pending legal challenges questioning the legality of the water vote by the Johnston Town Council and whether that vote was in violation of the Rhode Island Open Meetings Act.

According to the *Providence Journal* (Exhibit B):

“The new law the council wants passed would amend state law to say that a community which buys water from a municipal supplier ‘shall limit the sale of such water to customer located within the municipality’.”

Accordingly, the Town of Burrillville requests that its Motion to Dismiss be granted.

Respectfully submitted,
Town of Burrillville
By its attorneys



William C. Dimitri, Esq. #2414
Town Solicitor
462 Broadway
Providence, RI 02909-1626
Tel: (401) 474-4370
Fax: (401) 273-5290
Fax: (401) 273-5290
bill@dimitrilaw.com



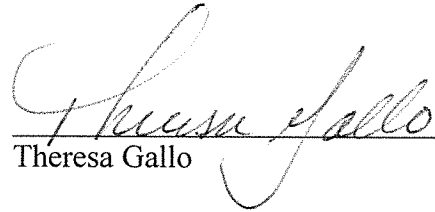


Michael R. McElroy, Esq. #2627
Leah J. Donaldson, Esq. #7711
Special Legal Counsel
21 Dryden Lane
P.O. Box 6721
Providence, RI 02940-6721
Tel: (401) 351-4100
Fax: (401) 421-5696
Michael@McElroyLawOffice.com
Leah@McElroyLawOffice.com

Date: February 3, 2017

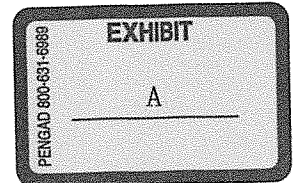
CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of February, 2017, I sent a copy of the foregoing to the attached service list.



Theresa Gallo

Burrillville Invenegy EFSB Supplement



RESOLUTION OF THE CITY COUNCIL

No.

WHEREAS, On October 29, 2015 Invenergy Thermal Development LLC filed an application to Construct the Clear River Energy Center Power Plant (CREC) in Burrillville, RI with the Rhode Island Energy Facility Siting Board (EFSB); and

WHEREAS, In the months since the filing of that application, the Town of Burrillville has conducted extensive study of the application with and through credentialed professionals, including studies of noise, water, traffic and air quality, among others; and

WHEREAS, After considering expert testimony and conducting thorough public hearing the Burrillville Planning Board and Zoning Board of Review have advised the EFSB that Burrillville, RI is not a suitable site for the Clear River Energy Center; and

WHEREAS, The Burrillville Building Inspector and Burrillville Tax Assessor, have also submitted advisory opinions to the EFSB expressing the impact the proposed Clear River Energy Center would have on the Town of Burrillville; and

WHEREAS, Sixteen cities and towns in Rhode Island have passed resolutions opposing the siting of an Invenergy power plant in the Town of Burrillville; and

WHEREAS, According to the Blackstone River Watershed Council, "emissions from the power plant, in particular methane and carbon dioxide, would affect a 30-mile area in the northwest corner of Rhode Island"; and

WHEREAS, Particulate matter would "diminish air quality, local rivers and watersheds would be stressed, additional deliveries of chemicals by large commercial vehicles would put residents at risk, noise pollution would increase and the biodiversity impacts and loss of wildlife habitats within the shared watershed would harm the regional environment," according to Burrillville Conservation Chairman, Kevin Cleary; and

WHEREAS, The CREC power plant in Burrillville would prevent Rhode Island from meeting the reduction in greenhouse gas emissions set by the 2014 Resilient Rhode Island Act; and

WHEREAS, Invenergy's efforts to obtain the water needed for the power plant met resistance and opposition for many months, with the Pascoag Utility District, the Harrisville Fire District, and the City of Woonsocket rejecting proposals to provide water for the power plant; and

WHEREAS, On January 10th, the Town of Johnston approved a 20-year deal selling Invenergy water for the CREC power plant; and

WHEREAS, The Providence Water Supply Board (PWSB) is the wholesale supplier of water to the Town of Johnston which will be resold to Invenergy; and

WHEREAS, The agreement between the Town of Johnston and Invenergy obligates resources owned by the people of Providence without them having a choice or say in the matter; and

WHEREAS, During the past year, many citizens of the Rhode Island, as well as our neighboring communities in Massachusetts and Connecticut, have expressed strong opposition to the siting of the Clear River Energy Center for reasons including the negative impacts on property, environment, traffic, public health, public safety, and water; and

WHEREAS, The Providence City Council joins with the citizens and officials of the Town of Burrillville as well as residents throughout the State of Rhode expressing concerns and objections to the siting of the Clear River Energy Center in Burrillville, RI.

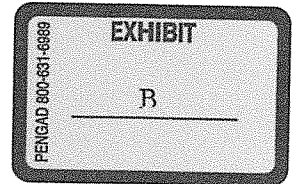
NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby oppose the siting of the Clear River Energy Center in Burrillville, RI.

BE IT FURTHER RESOLVED, That, as the democratically elected representatives of the people of Providence, the City Council does not support and hereby expresses serious concern over the use of water from the Providence Water Supply Board for the Clear River Energy Center.

BE IT FURTHER RESOLVED, That the City Council of the City of Providence does hereby request that

1. The City Solicitor provide the City Council with information and clarification regarding the City's and the Providence Water Supply Board's ability to prevent the use of Providence water at the CREC power plant and legality of the resale and markup of Providence water by Providence Water Supply Board wholesale customers;
2. The Chairman and the General Manager of the Providence Water Supply Board assist the Solicitor with the above request, and provide the City Council with information regarding the impact of said use on ratepayers, as well as PWSB finances and operations.

BE IT FURTHER RESOLVED, That, upon passage, this resolution be submitted to the Rhode Island Energy Facility Siting Board for consideration during their hearings on Invenergy Thermal Development LLC's application to construct the Clear River Energy Center power plant in Burrillville, RI.



Providence City Council votes to oppose water sale for Burrillville power plant

Thursday

Posted Feb 2, 2017 at 8:59 PM

Updated Feb 2, 2017 at 8:59 PM

By John Hill
Journal Staff Writer

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PROVIDENCE, R.I. - The City Council Thursday night unanimously passed a set of resolutions opposing the sale of Providence Water Supply Board water for a proposed power plant in Burrillville and called for legislation that would ban any town receiving city water from selling it to out-of-town customers like the Burrillville plant.

The three resolutions were prompted by Invenergy LLC's proposal to build a 1,000 megawatt, \$700 million power plant that will use between 15,000 and 20,000 gallons of PWSB water a day, bought from Johnston.

Johnston's selling so much water to an out-of-town entity has angered the council. Councilman Kevin Jackson said if the precedent were allowed to stand any town getting water from the city's water system would be free to sell it to any business anywhere at a profit while water board rates are limited by state regulators .

The new law the council wants passed would amend state law to say that a community which buys water from a municipal supplier "shall limit the sale of such water to customer located within the municipalityâ€¦"

Councilman Samuel Zurier, who drafted the resolution seeking the legislation, said it was necessary to conserve the water board's supply for the purposes for which it was intended.

The resolution will be forwarded to the city's legislative delegation.

The other resolutions put the council on record as opposing the plant proposal, which is being reviewed by the state Energy Facilities Siting Board, and called on PSWB officials to report to the council "with specificity" on its regulatory structure and operations.

Johnston's agreement with Invenergy calls for the company to pay the prevailing rate for the water it uses and give Johnston more than \$18 million in additional compensation over 20 years. Invenergy will bring the water to Burrillville by truck.

Johnston is allowed up to 150 gallons per person per day from PWSB system, and PWSB General Manager Ricky Caruolo has said the town is well below that limit, leaving it free to sell the 15,000 to 20,000 gallons a day to Invenergy.

In other action, the council gave final passage to an ordinance reorganizing the Board of Licenses. The measure now goes to Mayor Jorge O. Elorza for his signature. The council also referred to its Finance Committee a recommendation that it appropriate no more than \$25,000 to pay for legislative lobbying in the 2017 session.

SB-2015-06 Invenergy CREC Service List as of 01/27/2017

Name/Address	E-mail	Phone/FAX
File an original and 10 copies with EFSB: Todd Bianco, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888 Margaret Curran, Chairperson Janet Coit, Board Member Assoc. Dir., Div. of Planning Parag Agrawal Patti Lucarelli Esq., Board Counsel Susan Forcier Esq., Counsel Rayna Maguire, Asst. to the Director DEM Catherine Pitassi, Asst. to. Assoc. Dir. Plann.	Todd.Bianco@puc.ri.gov ;	401-780-2106
	Patricia.lucarelli@puc.ri.gov ;	
	Margaret.Curran@puc.ri.gov ;	
	janet.coit@dem.ri.gov ;	
	Catherine.Pitassi@doa.ri.gov ;	
	susan.forcier@dem.ri.gov ;	
	rayna.maguire@dem.ri.gov ;	
	Parag.Agrawal@doa.ri.gov ;	
Parties (Electronic Service Only, Unless by Request)		
Invenergy Thermal Development LLC Alan Shoer, Esq. Richard Beretta, Esq. Elizabeth Noonan, Esq. Nicole Verdi, Esq. Adler, Pollock & Sheehan One Citizens Plaza, 8 th Floor Providence, RI 02903	ashoer@apslaw.com ;	401-274-7200
	rberetta@apslaw.com ;	
	enoonan@apslaw.com ;	
	nverdi@apslaw.com ;	
John Niland, Dir. Of Business Development Tyrone Thomas, Esq., Asst. General Counsel Invenergy Thermal Development LLC One South Wacker Drive, Suite 1900 Chicago, IL 60600	jniland@invenergyllc.com ;	312-224-1400
	Tthomas@invenergyllc.com ;	
Town of Burrillville Michael McElroy, Esq., Special Counsel Leah Donaldson, Esq., Special Counsel Schacht & McElroy PO Box 6721 Providence, RI 02940-6721	Michael@mcelroylawoffice.com ;	401-351-4100
	leah@mcelroylawoffice.com ;	
	dimitrilaw@icloud.com ;	
William Dimitri, Esq., Acting Town Solicitor		401-474-4370
Conservation Law Foundation Jerry Elmer, Esq. Max Greene, Esq. 55 Dorrance Street Providence RI, 02903	Jelmer@clf.org ;	401-351-1102
	Mgreene@clf.org ;	
Ms. Bess B. Gorman, Esq. Assistant General Counsel and Director Legal Department, National Grid	Bess.Gorman@nationalgrid.com ;	781-907-1834

40 Sylvan Road Waltham, MA 02451 Mark Rielly, Esq. Senior Counsel	Mark.rielly@nationalgrid.com ;	
Office of Energy Resources Andrew Marcaccio, Esq. Nick Ucci, Chief of Staff Chris Kearns, Chief Program Development One Capitol Hill Providence, RI 02908 Ellen Cool Levitan & Associates	Andrew.Marcaccio@doa.ri.gov ;	401-222-3417
	Nicholas.Ucci@energy.ri.gov ;	401-574-9100
	Christopher.Kearns@energy.ri.gov ;	
	egc@levitan.com ;	
Brenna.McCabe@doa.ri.gov ;		
Rhode Island Building and Construction Trades Council Gregory Mancini, Esq. Sinapi Law Associates, Ltd. 2374 Post Road, Suite 201 Warwick, RI 02886	gmancinilaw@gmail.com ;	401-739-9690
Residents of Wallum Lake Road, Pascoag, RI Dennis Sherman and Kathryn Sherman Christian Capizzo, Esq. Shechtman Halperin Savage, LLP 1080 Main Street Pawtucket, RI 02869	ccapizzo@shslawfirm.com ;	401-272-1400
	kags8943@gmail.com ;	
Residents of Wallum Lake Road, Pascoag, RI Paul Bolduc and Mary Bolduc Joseph Keough Jr., Esq. 41 Mendon Avenue Pawtucket, RI 02861 Paul and Mary Bolduc 915 Wallum Lake Road Pascoag, RI 02859	jkeoughjr@keoughsweeney.com ;	401-724-3600
	oatyssl@verizon.net ;	401-529-0367
Abutton David B. Harris Michael Sendley, Esq. 600 Putnam Pike, St. 13 Greenville, RI 02828	mSENDLEY@cox.net ;	401-349-4405
Interested Persons (Electronic Service Only)		
Harrisville Fire District Richard Sinapi, Esq. Joshua Xavier, Esq. 2347 Post Road, Suite 201 Warwick, RI 02886	ras@sinapilaw.com ;	401-739-9690
	jdx@sinapilaw.com ;	
Residents of 945 Wallum Lake Road, Pascoag, RI (Walkers) Nicholas Gorham, Esq. P.O. Box 46 North Scituate, RI 02857	nickgorham@gorhamlaw.com ;	401-647-1400
	edaigle4@gmail.com ;	

Peter Nightingale, member Fossil Free Rhode Island 52 Nichols Road Kingston, RI 02881	divest@fossilfreeri.org ;	401-789-7649
Sister Mary Pendergast, RSM 99 Fillmore Street Pawtucket, RI 02860	mpendergast@mercyne.org ;	401-724-2237
Patricia J. Fontes, member Occupy Providence 57 Lawton Foster Road South Hopkinton, RI 02833	Patfontes167@gmail.com ;	401-516-7678
Burrillville Land Trust Marc Gertsacov, Esq. Law Offices of Ronald C. Markoff 144 Medway Street Providence, RI 02906	marc@ronmarkoff.com ;	401-272-9330
Paul Roselli, President Burrillville Land Trust PO Box 506 Harrisville, RI 02830	proseli@cox.net ;	401-447-1560
Rhode Island Progressive Democrats of America Andrew Aleman, Esq. 168 Elmgrove Avenue Providence, RI 02906	andrew@andrewaleman.com ;	401-429-6779
Fighting Against Natural Gas and Burrillville Against Spectra Expansion Jillian Dubois, Esq. The Law Office of Jillian Dubois 91 Friendship Street, 4 th Floor Providence, RI 02903	jillian.dubois.esq@gmail.com ;	401-274-4591
Burrillville Town Council c/o Louise Phaneuf, Town Clerk 105 Harrisville Main Street Harrisville, RI 02830	lphaneuf@burrillville.org ;	401-568-4300
Thomas J. Kravitz, Town Planner Christine Langlois, Deputy Planner Town of Burrillville 144 Harrisville Main Street Harrisville, RI 02830	tkravitz@burrillville.org ;	401-568-4300
	clanglois@burrillville.org ;	
Joseph Raymond, Building Official	jraymond@burrillville.org ;	
Michael C. Wood, Town Manager Town of Burrillville 105 Harrisville Main Street Harrisville, RI 02830	mcwood@burrillville.org ;	401-568-4300 ext. 115

Mr. Leo Wold, Esq. Department of Attorney General 150 South Main Street Providence, RI 02903	LWold@riag.ri.gov ;	401-274-4400
Public Utilities Commission Cynthia Wilson Frias, Esq., Dep. Chief of Legal Alan Nault, Rate Analyst	Cynthia.Wilsonfrias@puc.ri.gov ;	401-941-4500
	Alan.nault@puc.ri.gov ;	
Division of Public Utilities and Carriers John J. Spirito, Esq., Chief of Legal Steve Scialabba, Chief Accountant Tom Kogut, Chief of Information	john.spirito@dpuc.ri.gov ;	401-941-4500
	steve.scialabba@dpuc.ri.gov ;	
	thomas.kogut@dpuc.ri.gov ;	
Matthew Jerzyk, Deputy Legal Counsel Office of the Speaker of the House State House, Room 302 Providence RI, 02903	mjerzyk@rilin.state.ri.us ;	401-222-2466
Hon. Cale Keable, Esq., Representative of Burrillville and Glocester	Cale.keable@gmail.com ;	401-222-2258
Nick Katkevich	nkatkevich@gmail.com ;	
Ambar Espinoza	aespinoza@ripr.org ;	
Joseph Bucci, Acting Administrator Highway and Bridge Maintenance Operations RI Department of Transportation	joseph.bucci@dot.ri.gov ;	
Jared Rhodes, Chief Statewide Planning Program Jennifer Sternick Chief of Legal Services RI Department of Administration	jared.rhodes@doa.ri.gov ;	
	Jennifer.sternick@doa.ri.gov ;	
Doug Gablinske, Executive Director TEC-RI	doug@tecri.org ;	
Tim Faulkner ecoRI News 111 Hope Street Providence, RI 02906	tim@ecori.org ;	401-330-6276
Robert Tormey Conanicut Energy, LLC	rjtormey@conanicutenergy.com ;	617-306-1601
Sally Mendzela	salgalpal@hotmail.com ;	
Keep Burrillville Beautiful Paul LeFebvre	paul@acumenriskgroup.com ;	401-714-4493
Mark Baumer	everydayveah@gmail.com ;	
Nisha Swinton Food & Water Watch New England	nswinton@fwwatch.org ;	
Kaitlin Kelliher	Kaitlin.kelliher@yahoo.com ;	

Joe Piconi, Jr.	jiggzy@hotmail.com ;	
Hon. Aaron Regunberg Representative of Providence, District 4	Aaron.regunberg@gmail.com ;	
Paul Ernest	paulwernest@gmail.com ;	
Skip Carlson	scarlson@metrocast.net ;	
Kathryn Scaramella	kscaramella@outlook.com ;	
Diana Razzano	Dlrazzano13@verizon.net ;	
David Goldstein	tmdgroup@yahoo.com ;	
Douglas Jobling	djobling@cox.net ;	
Claudia Gorman	corkyhg@gmail.com ;	
Curt Nordgaard	Curt.nordgaard@gmail.com ;	
Colleen Joubert	Colleenj1@cox.net ;	
Matt Smith Food & Water Watch	msmith@fwwatch.org ;	
Christina Hoefsmit, Esq. Senior Legal Counsel RI Department of Environmental Management	Christina.hoefsmit@dem.ri.gov ;	
Steven Ahlquist, RIFuture	atomicsteve@gmail.com ;	
Pascoag Utility District William Bernstein, Esq. Michael Kirkwood, General Manager Robert Ferrari, Northeast Water Solutions, Inc.	mkirkwood@pud-ri.org ;	
	Wlblaw7@gmail.com ;	
	rferrari@nwsinc.net ;	
Ben Weilerstein Toxics Action Center	ben@toxicsaction.org ;	
Russ Olivo Woonsocket Call	rolivo232@gmail.com ;	
Celine Schmidt	celine_schmidt@brown.edu ;	
Suzanne Enser	svetromile@gmail.com ;	