

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: The Narragansett Electric Company Notice of
Intent to Relocate Transmission Lines in Providence
and East Providence (E-183 115kV Transmission Line
Relocation Project – A/C I-195 Relocation)

Docket No. SB-2003-01

**CITY OF EAST PROVIDENCE'S MOTION FOR ENTRY OF AN ORDER
ENFORCING A PROJECT SCHEDULE**

The City of East Providence (“East Providence”) hereby moves the Rhode Island Energy Facility Siting Board (the “Board”) pursuant to Rule 1.17 for the entry of an order embodying a enforceable project schedule.

In support of the Motion, East Providence submits as follows:

1. The Board is well aware that this project has dragged for an inexplicable length of time.
2. The Board has recently been instrumental in requesting that a project schedule with certain milestones be supplied by the parties.
3. The Board established a timeframe for East Providence to take the lead in suggesting project milestones. Well within that timeframe, East Providence provided forms of orders to National Grid that would embody a project schedule. *See* E-mails dated April 16, 2014 and May 2, 2014, attached hereto as **Exhibit A**.
4. The parties finally met on May 15, 2014, to try and put together a project schedule. Once again, East Providence took the lead in trying to establish a project schedule. *See* E-mail dated May 23, 2014 attached hereto as **Exhibit B**.
5. The project schedule suggested by East Providence had construction commencing in April of 2016.

6. On May 28, 2014, National Grid then submitted a project schedule to this Board that adopted many of the milestones suggested by East Providence, but had construction commencing in 2017. See E-mail dated May 28, 2014 attached hereto as **Exhibit C**.

7. As a result, East Providence submitted certain comments that would allow for activities to be done in parallel and certain activities to be undertaken out of sequence in an effort to try and accelerate the construction schedule. See East Providence's Comments dated June 3, 2014 attached hereto as **Exhibit D**.

8. At this point, East Providence respectfully requests a hearing for the purpose of entering an order that provides for the following: (i) enforceable milestones; and (ii) the concept of pursuing certain portions of the project in parallel or out of sequence in an effort to accelerate the commencement of construction for this project.

City of East Providence
By its Attorney,

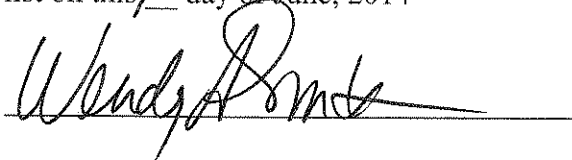


W. MARK RUSSO #3937
FERRUCCI RUSSO P.C.
55 Pine Street, 4th Floor
Providence, RI 02903
Tel: (401) 455-1000
Fax: (401) 455-7778

Dated: June 9, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the within was sent via e-mail to the following referenced on the attached service list on this 9th day of June, 2014



DOCKET NO. SB-2003-1**Relocation of Transmission Lines in Providence and East Providence
(E-183 115kV Transmission Line Relocation Project – A/C I-195 Relocation)**

Service List as of 11/1/13

Name/Address	E-mail	Phone/FAX
Peter V. Lacouture, Esq. Robinson & Cole LLP One Financial Plaza Suite 1430 Providence, RI 02903-2485	placouture@rc.com	401-709-3314 401-709-3399
National Grid	jennifer.hutchinson@nationalgrid.com	
National Grid	celia.obrien@nationalgrid.com	
Department of Attorney General 150 South Main Street Providence, RI 02903	LWold@riag.ri.gov	401-222-2424 ext. 2218 401-222-3016
	klyons@riag.ri.gov	
	Jmunoz@riag.ri.gov	
	dmacrae@riag.ri.gov	
Division of Public Utilities & Carriers	Thomas.kogut@ripuc.state.ri.us	
	Steve.scialabba@ripuc.state.ri.us	
Janet Coit, Director Dept. of Environmental Management 235 Promenade Street Providence, RI 02908	janet.coit@dem.ri.gov	401-222-4700 ext. 2409
	Rayna.maguire@dem.ri.gov	
Kevin Flynn, Associate Director for Division of Planning Department of Administration One Capitol Hill, 3 rd Floor Providence, RI 02903	kevin.flynn@doa.ri.gov	401-222-6496
Adrienne G. Southgate, City Solicitor City of Providence Department of Law 275 Westminster Street Providence, RI 02903	asouthgate@providenceri.com	
RI Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	Cynthia.WilsonFrias@puc.ri.gov	
	alan.nault@puc.ri.gov	
	Paul.roberti@puc.ri.gov	
John J. Spirito, Esq. (e-mail only) Division of Public Utilities and Carriers	jspirito@ripuc.state.ri.us	401-780-2152
JoAnne Sutcliffe (e-mail only)	Josut321@cox.net	

Timothy J. Chapman, City Solicitor Jeanne Boyle City of East Providence 145 Taunton Avenue East Providence, RI 02914-4505	tchapman@cityofeastprov.com jboyle@cityofeastprov.com	
Mark W. Russo, Esq. Ferrucci Russo P.C. 55 Pine Street, 4th Floor Providence, RI 02903	mrusso@frlawri.com	401-455-1000
	wsmith@frlawri.com	401-455-7778
Terence Tierney (e-mail only)	tierneylaw@yahoo.com	
David Priley	davidpriley@aol.com	
Seth Handy, Esq. Handy Law, LLC 42 Weybosset Street Providence, RI 02903	seth@handylawllc.com	
File an original and 7 copies w/: Patricia Lucarelli, Esq. Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888	patricia.lucarelli@puc.ri.gov	401-780-2106
	Margaret.curran@puc.ri.gov	
	Todd.bianco@puc.ri.gov	

DOCKET NO. SB-2003-1
Relocation of Transmission Lines in Providence and East Providence
(E-183 115kV Transmission Line Relocation Project – A/C I-195 Relocation)

6. On May 28, 2014, National Grid then submitted a project schedule to this Board that adopted many of the milestones suggested by East Providence, but had construction commencing in 2017. *See* E-mail dated May 28, 2014 attached hereto as **Exhibit C**.

7. As a result, East Providence submitted certain comments that would allow for activities to be done in parallel and certain activities to be undertaken out of sequence in an effort to try and accelerate the construction schedule. *See* East Providence's Comments dated June 3, 2014 attached hereto as **Exhibit D**.

8. At this point, East Providence respectfully requests a hearing for the purpose of entering an order that provides for the following: (i) enforceable milestones; and (ii) allows for the concept of pursuing certain portions of the project in parallel or out of sequence in an effort to accelerate the commencement of construction for this project.

City of East Providence
By its Attorney,

W. MARK RUSSO #3937
FERRUCCI RUSSO P.C.
55 Pine Street, 4th Floor
Providence, RI 02903
Tel: (401) 455-1000
Fax: (401) 455-7778

Dated: June __, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the within was sent via e-mail to the following referenced on the attached service list on this __ day of June, 2014

Exhibit A

Wendy Smith

From: W. Mark Russo, Esq.
Sent: Wednesday, April 16, 2014 4:25 PM
To: 'placouture@rc.com'
Cc: Patricia Lucarelli (Patricia.Lucarelli@puc.ri.gov); 'asouthgate@providenceri.com'; tchapman@cityofeastprov.com; 'jboyle@cityofeastprov.com'
Subject: Narragansett Electric Company Notice of Intent to Relocate Transmission Lines (E-183 115kV Transmission Line Relocation Project
Attachments: Order - 04-16-14.docx

Dear Peter:

As pursuant to the directive provided by the Board, I have drafted a form of order for discussion purposes now that we received the most recent response to the record request.

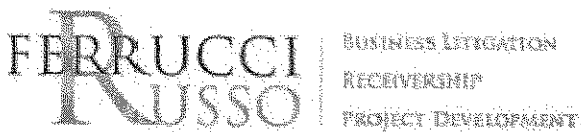
We would like to set up a time to meet with you and the appropriate people from Narragansett to review the order and talk about a realistic project schedule in accord with Dave Campilii's testimony.

Please advise as to availability.

W. Mark Russo

Ferrucci Russo P.C.
55 Pine Street, 4th Floor
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mrusso@frlawri.com

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: The Narragansett Electric Company Notice of
Intent to Relocate Transmission Lines in Providence
and East Providence (E-183 115kV Transmission Line
Relocation Project – A/C I-195 Relocation)

Docket No. SB-2003-01

Order

In accord with the Status Conference that came on for hearing before this Board on
March 20, 2014, it is hereby ORDERED:

1. This Order is entered pursuant to Section III D of the Settlement Agreement and under the authority of R.I. Gen. Laws §42-98-7. Unless defined herein, all capitalized terms have the same meaning as set forth in the Settlement Agreement.
2. Narragansett Electric Company d/b/a National Grid (“Narragansett”) shall have up and until May 30, 2014, to circulate a proposed Phase II Schedule (“Project Schedule”).
3. The Project Schedule shall detail the timelines and milestone dates for the commencement and completion of all critical path items of the Underground Alignment and the Philipsdale Tap Relocation (as pursuant to Section II C of the Settlement Agreement).
4. The Project Schedule shall be constructed such that it shows Project completion within twenty-four (24) months of the entry of this Order per the timeline testified to by Narragansett in this proceeding.
5. The Project Schedule shall include milestone dates for the following:
 - a. Preparing a Construction Grade Estimate in 2014 dollars for the Underground Alignment;
 - b. Review and approval of the Construction Grade Estimate by the parties;
 - c. Commencement of detailed engineering;
 - d. Commencement and targeted completion of permitting by and before, but not limited to, this Board, the Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Council, the

United States Army Corp of Engineering and if required, the host municipalities;

- e. Acquiring a drilling landing site in the City of Providence;
- f. Acquiring other easements and rights, including but limited to an underground easement through India Point Park, a landing site in the City of East Providence, a transition station site and associated transmission line easements in the City of East Providence;
- g. Soliciting bids for the construction of the Underground Alignment;
- h. Reviewing construction estimates based upon bid result;
- i. Constructing the Underground Alignment; and
- j. Removing existing overhead lines and structures.

6. The City of Providence (“Providence”), the City of East Providence (“East Providence”) and the State of Rhode Island Department of Attorney General (the “Attorney General”) shall have thirty (30) days from the service of the Project Schedule to have Narragansett’s proposed Project Schedule subject to a peer review by an appropriately experienced consultant selected and engaged by the Cities and the Attorney General.

7. The Cities and the Attorney General may utilize money set aside for Phase II funding to pay for professional fees and costs incurred in undertaking the peer review of the proposed Project Schedule.

8. Within the thirty (30) day period set forth in Paragraph 6 above, the Cities and the Attorney General shall submit a memorandum to this Board setting forth the results and findings of the peer review. Narragansett shall have ten (10) days to submit a reply memorandum.

9. Within ten (10) days of the submission of Narragansett’s reply memorandum, the parties shall attempt, in good faith, to agree upon a Project Schedule. If the parties cannot agree, this Board shall schedule and conduct an evidentiary hearing on the proposed Project Schedule and the findings and conclusions of the peer review.

10. Based upon the evidence submitted, this Board shall establish a binding Project Schedule, pursuant to Section III D of the Settlement Agreement, to be enforced and

implemented under the oversight of this Board for the construction of the Underground Alignment and the Philipsdale Tap Relocation in an expedited manner to comply with the overall timeframe set forth in Paragraph 4, above.

11. In the event Narragansett fails to comply or the Cities move to compel Narragansett's performance hereunder, or under the Project Schedule once established, the Cities shall be entitled to an award of reasonable attorneys' fees. In addition, the Board may avail itself to the option of appointing a Project Manager to ensure timely adherence to the Project Schedule.

Enter as an Order of this Board this _____ day of April, 2014:

Rhode Island Energy Siting Board
By its Members;

Margaret Curran
Dated:

Janet Coit
Dated:

Kevin Flynn
Dated:

Wendy Smith

From: W. Mark Russo, Esq.
Sent: Friday, May 02, 2014 11:59 AM
To: 'Peter V. Lacouture Esq. (placouture@rc.com)'; Southgate, Adrienne; tchapman@cityofeastprov.com; jboyle@cityofeastprov.com; 'klyons@riag.ri.gov'
Cc: Patricia Lucarelli (Patricia.Lucarelli@puc.ri.gov)
Subject: E-183 Transmission Line - SB-2003-001
Attachments: Order - 05-02-14.docx

To all:

I have incorporated the initial milestone dates that Peter provided. It is now important to get together to try and finalize this order, so that it can be entered with the goal of having a complete project schedule that has enforceable milestone dates as requested by the Board.

I look forward to hearing from you.

Thank you.

W. Mark Russo

Ferrucci Russo P.C.
55 Pine Street, 4th Floor
Providence, RI 02903
Tel.: (401) 455-1000
Fax: (401) 455-7778
mrusso@frlawri.com

Please visit our website at: www.frlawri.com



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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: The Narragansett Electric Company Notice of Intent to Relocate Transmission Lines in Providence and East Providence (E-183 115kV Transmission Line Relocation Project – A/C I-195 Relocation)

Docket No. SB-2003-01

Order

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3. The Project Schedule shall detail the timelines and milestone dates for the commencement and completion of all critical path items of the Underground Alignment and the Philippsdale Tap Relocation (as pursuant to Section II C of the Settlement Agreement).
4. The Project Schedule shall be constructed such that it shows Project completion within twenty-four (24) months of the entry of this Order per the timeline testified to by Narragansett in this proceeding.
5. The Project Schedule shall include milestone dates for the following:
 - a. Preparing a Construction Grade Estimate in 2014 dollars for the Underground Alignment;
 - b. Review and approval of the Construction Grade Estimate by the parties;
 - c. Commencement of detailed engineering;
 - d. Commencement and targeted completion of permitting by and before, but not limited to, this Board, the Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Council, the United States Army Corp of Engineering and if required, the host municipalities;
 - e. Acquiring a drilling landing site in the City of Providence;

- f. Acquiring other easements and rights, including but limited to an underground easement through India Point Park, a landing site in the City of East Providence, a transition station site and associated transmission line easements in the City of East Providence;
- g. Soliciting bids for the construction of the Underground Alignment;
- h. Reviewing construction estimates based upon bid result;
- i. Constructing the Underground Alignment; and
- j. Removing existing overhead lines and structures.

6. Narragansett has provided milestone dates up through 5(b) above, which are now enforceable by this Order. Those milestone dates are as follows:

- a. Engineering consultant bids due – April 23, 2014;
- b. Sign Contract with Underground Engineering Consultant – May 19, 2014;
- c. Complete Field Work, Investigations, Studies and Calculations for Underground Component (Consultant) – August 15, 2014;
- d. Receive Underground Component Cost Estimates (from Consultant) – September 1, 2014;
- e. Receive Cost Estimates for Other Project Components (from internal teams) – September 1, 2014; and
- f. Present Project Cost Estimate to Parties for Review – September 30, 2014.

7. The City of Providence (“Providence”), the City of East Providence (“East Providence”) and the State of Rhode Island Department of Attorney General (the “Attorney General”) shall have thirty (30) days from the service of the Project Schedule to have Narragansett’s proposed Project Schedule subject to a peer review by an appropriately experienced consultant selected and engaged by the Cities and the Attorney General.

8. The Cities and the Attorney General may utilize money set aside for Phase II funding to pay for professional fees and costs incurred in undertaking the peer review of the proposed Project Schedule.

9. Within the thirty (30) day period set forth in Paragraph 6 above, the Cities and the Attorney General shall submit a memorandum to this Board setting forth the results and findings of the peer review. Narragansett shall have ten (10) days to submit a reply memorandum.

10. Within ten (10) days of the submission of Narragansett's reply memorandum, the parties shall attempt, in good faith, to agree upon a Project Schedule. If the parties cannot agree, this Board shall schedule and conduct an evidentiary hearing on the proposed Project Schedule and the findings and conclusions of the peer review.

11. Based upon the evidence submitted, this Board shall establish a binding Project Schedule, pursuant to Section III D of the Settlement Agreement, to be enforced and implemented under the oversight of this Board for the construction of the Underground Alignment and the Philipsdale Tap Relocation in an expedited manner to comply with the overall timeframe set forth in Paragraph 4, above.

12. In the event Narragansett fails to comply or the Cities move to compel Narragansett's performance hereunder, or under the Project Schedule once established, the Cities shall be entitled to an award of reasonable attorneys' fees. In addition, the Board may avail itself to the option of appointing a Project Manager to ensure timely adherence to the Project Schedule.

Enter as an Order of this Board this _____ day of May, 2014:

Rhode Island Energy Siting Board
By its Members;

Margaret Curran
Dated:

Janet Coit
Dated:

Kevin Flynn
Dated:

k:\east providence, city of\efsb\pleadings\docket no. sb-2003-01\order - 05-02-14.docx

Exhibit B

Wendy Smith

From: W. Mark Russo, Esq.
Sent: Friday, May 23, 2014 5:18 PM
To: 'asouthgate@providenceri.com'; 'klyons@riag.ri.gov'; 'jboyle@cityofeastprov.com';
tchapman@cityofeastprov.com; 'placouture@rc.com'
Subject: E-183 Transmission Line -- Project Schedule
Attachments: Project Schedule.docx

To all:

Attached is the schedule as pursuant to our most recent meeting.

W. Mark Russo

Ferrucci Russo P.C.
55 Pine Street, 4th Floor
Providence, RI 02903
Tel.: (401) 455-1000
Fax: (401) 455-7778
mrusso@frlawri.com

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: The Narragansett Electric Company Notice of
Intent to Relocate Transmission Lines in Providence
and East Providence (E-183 115kV Transmission Line
Relocation Project – A/C I-195 Relocation)

Docket No. SB-2003-01

Project Schedule

- **May 27, 2014 – August 15, 2014**
 - National Grid to execute contract with underground engineering consultant.
 - National Grid to complete field work, investigation, studies and calculations for underground component.
 - The municipalities and the Attorney General's Office is to research engaging a consultant for peer review of the Construction Grade Estimate and Project Schedule.
 - The municipalities to re-engage discussions regarding property acquisitions.
- **August 15, 2014 – September 30, 2014**
 - National Grid to receive underground component cost estimates from consultant on or before September 1, 2014.
 - National Grid to receive cost estimates and other project components from internal project teams on or before September 1, 2014.
 - National Grid to present project cost estimates to parties for review on or before September 30, 2014.
 - Municipalities and Attorney General to engage consultant for peer review
 - Municipalities to advance negotiations for acquisition of property rights.
- **September 30, 2014 – November 15, 2014**
 - Attorney General and Municipalities to peer review and approve construction grade estimate and/or peer review and select alternative routes.
- **November 15, 2014 – January 1, 2015**
 - Municipalities and National Grid to acquire necessary property rights.
- **January 1, 2015 – January 1, 2016**
 - National Grid to commence and complete project permitting.
- **April 15, 2016**
 - National Grid to commence construction.

k:\least providence, city of\efsb\pleadings\docket no. sb-2003-01\project schedule.docx

Exhibit C

Wendy Smith

From: Lacouture, Peter V. <placouture@rc.com>
Sent: Wednesday, May 28, 2014 3:43 PM
To: Karen Lyons
Cc: W. Mark Russo, Esq.; asouthgate@providenceri.com; jboyle@cityofeastprov.com; tchapman@cityofeastprov.com
Subject: RE: E-183 Transmission Line -- Project Schedule
Attachments: E-183 Project Schedule (5_27_14).DOCX; ATT00001.txt

Karen et al-

I am attaching a revised schedule for your review. A couple of general comments about the major changes. As I mentioned yesterday, the Settlement Agreement imposes the obligation to obtain property rights on the AG and the municipalities. We have revised the language to reflect this. We thought that 45 days (including Thanksgiving, Christmas and New Years was too short a time to accomplish this and have extended the time period through April 1 which is still aggressive. We have increased the permitting period because of concern that the project may require an individual Army Corps permit which could take up to a year and a half. Finally we have added a step for award of the EPC contract for the project which will not happen until permitting is completed. I am available to talk this afternoon and tomorrow but I am also out on Friday.

PVL

Peter V. Lacouture

Robinson & Cole LLP
One Financial Plaza
Suite 1430
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placouture@rc.com | www.rc.com
[Bio](#) | [Contact Card](#)

Robinson+Cole

Boston | Hartford | New York | Providence | Stamford
Albany | Los Angeles | New London | Sarasota

From: Karen Lyons [<mailto:klyons@riag.ri.gov>]
Sent: Wednesday, May 28, 2014 3:03 PM
To: Lacouture, Peter V.
Cc: W. Mark Russo, Esq.; asouthgate@providenceri.com; jboyle@cityofeastprov.com; tchapman@cityofeastprov.com
Subject: RE: E-183 Transmission Line -- Project Schedule

Peter,
I will be out of the office on Thursday and Friday. In an effort to provide the board with a final version of the schedule by Friday, could you email the parties today with any concerns you have with the current version.
Thank you

Karen

Karen Lyons, Esq.
Special Assistant Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400 ext. 2403

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From: W. Mark Russo, Esq. [<mailto:mrusso@frlawri.com>]
Sent: Friday, May 23, 2014 5:18 PM
To: asouthgate@providenceri.com; Karen Lyons; jboyle@cityofeastprov.com; tchapman@cityofeastprov.com; placouture@rc.com
Subject: E-183 Transmission Line -- Project Schedule

To all:

Attached is the schedule as pursuant to our most recent meeting.

W. Mark Russo
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- The municipalities to re-engage discussions regarding property acquisitions.

• **August 15, 2014 – September 30, 2014**

- National Grid to receive underground component cost estimates from consultant on or before September 1, 2014.
- National Grid to receive cost estimates for other project components from internal project teams on or before September 1, 2014.
- National Grid to present project cost estimate to parties for review on or before September 30, 2014.
- Municipalities and Attorney General to make preparations to engage consultant for peer review.
- Municipalities to advance negotiations for acquisition of property rights.

• **September 30, 2014 – November 15, 2014**

- Municipalities and Attorney General to determine whether to engage consultant for peer review.
- Attorney General and Municipalities to peer review cost estimate if consultant engaged.
- Attorney General and Municipalities to advise National Grid and EFSB whether all support proceeding with underground project.

- **November 15, 2014 – April 1, 2015**
 - Municipalities to acquire necessary property rights.
- **April 1, 2015 – October 1, 2016**
 - National Grid to commence and complete project permitting, subject to agency schedules.
- **December 1, 2016**
 - National Grid to award EPC contract.
- **Spring, 2017**
 - National Grid to commence construction.

Exhibit D

Wendy Smith

From: W. Mark Russo, Esq.
Sent: Tuesday, June 03, 2014 11:00 AM
To: Patricia Lucarelli (Patricia.Lucarelli@puc.ri.gov)
Cc: 'jboyle@cityofeastprov.com'; 'tchapman@cityofeastprov.com'; 'Josut321@cox.net'; 'Janet.Coit@dem.ri.gov'; 'rayna.maguire@dem.ri.gov'; 'Kevin.Flynn@doa.ri.gov'; 'JHagopian@dpuc.ri.gov'; 'seth@handylawllc.com'; 'celia.obrien@nationalgrid.com'; 'jennifer.hutchinson@nationalgrid.com'; 'asouthgate@providenceri.com'; 'Alan.Nault@puc.ri.gov'; 'Cynthia.WilsonFrias@puc.ri.gov'; 'Margaret.Curran@puc.ri.gov'; 'Paul.Roberti@puc.ri.gov'; 'placouture@rc.com'; 'dmacrae@riag.ri.gov'; 'jmunoz@riag.ri.gov'; 'klyons@riag.ri.gov'; 'LWold@riag.ri.gov'; 'jspirito@ripuc.state.ri.us'; 'Steve.scialabba@ripuc.state.ri.us'; 'Thomas.kogut@ripuc.state.ri.us'; 'tierneylaw@yahoo.com'; 'davidpriley@aol.com'; 'seth@handylawllc.com'; 'todd.bianco@puc.ri.gov'
Subject: E-183 Transmission Line SB-2003-001 - East Providence Comments to Project Schedule

Dear Patti:

East Providence's comments to the Project Schedule submitted by National Grid are as follows:

1. As a primary comment, it is absolutely critical that the Project Schedule be incorporated into a Board Order, so that the milestone dates are enforceable subject to modification for good cause;
2. Under the second bullet "August 15, 2014-September 30, 2014", East Providence would request a bullet that indicates that the "Municipalities may utilize project funds to advance the acquisition of property rights at the discretion of the Municipalities. In this manner, there is the possibility of advancing property right acquisition, so that the permitting and construction can advance out of sequence"; and
3. The footnote on page 2 should read that "The Municipalities have discretion to utilize project funds to advance the acquisition of property rights. If the acquisition of the property rights is advanced, the Board may conduct a hearing for good cause to be shown as to why permitting and the commencement of construction cannot be accelerated or undertaken out of sequence."

W. Mark Russo

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mrusso@frlawri.com

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