



For a thriving New England

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Energy Facility Siting Board
89 Jefferson Blvd.
Warwick, RI 02889

To: The Energy Facility Siting Board

Re: Invenergy Docket 2015-06

In the interest of avoiding procedural delays, Conservation Law Foundation (CLF) advises the EFSB that CLF has prepared a series of cross-examination questions for Invenergy Project Manager John Niland based on Invenergy's Forward Capacity System Tracking (FCTS) forms filed over a period of years with the ISO. These documents are already full Invenergy exhibits. They are subject to the Non-Disclosure Agreement (NDA) so the hearing room will have to be cleared of the public during this portion of the cross-examination.

Invenergy's FCTS forms will show that Invenergy told a significant number of knowing lies to the ISO about critically important matters. There can be no question of relevance, since the documents pertain to this project. There can be no question of admissibility, since they are already full exhibits.

There can be no question of surprise, because these are Invenergy exhibits, documents created by Invenergy, in which Invenergy is reporting to the ISO on this project. Moreover, pursuant to the NDA, CLF had to advise Invenergy in advance of CLF's intention to use these materials with Mr. Niland. CLF did that several weeks ago, and Invenergy expressed no objection.

However, based on Invenergy's objections yesterday, CLF is now concerned that Invenergy will object that Mr. Niland "isn't the proper witness" to address these FCTS forms. Although Mr. Niland is the Project Manager for this project, if Invenergy tells the EFSB that Mr. Niland is not the correct witness, CLF is willing to cross-examine any Invenergy witness that Invenergy tells the EFSB is the correct person.

In this circumstance, CLF respectfully requests that the EFSB direct Invenergy to produce the correct witness for cross-examination on its FCTS forms, filed with the ISO, pertaining to this project, so that the Final Hearing is not further delayed while a new witness is found and prepared. Like the EFSB, CLF is very eager to complete the Final Hearing without further delay.

Very truly yours,

Jerry Elmer

Cc: Service List in Docket 2015-06 (via email)