

January 15, 2016

Via Hand Delivery/Electronic Mail

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

Re: Invenergy Thermal Development LLC's Application to Construct The Clear River
Energy Center In Burrillville, Rhode Island
Docket No.: SB-2015-16

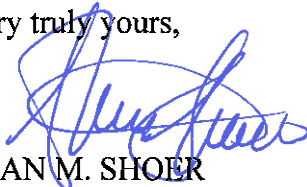
Dear Mr. Bianco:

On behalf of Invenergy Thermal Development LLC and the Clean River Energy Center Project, I enclose an original and (10) copies for filing with the Board the following:

1. Objection of Invenergy Thermal Development LLC Regarding the First Data Request of the Conservation law Foundation.

Please let me know if you have any questions.

Very truly yours,



ALAN M. SHOER
ashoer@apslaw.com

Enclosures

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD**

**In Re: INVENERGY THERMAL DEVELOPMENT)
LLC'S APPLICATION TO CONSTRUCT THE) **Docket No. SB-2015-06**
CLEAR RIVER ENERGY CENTER IN)
BURRILLVILLE, RHODE ISLAND)**

**OBJECTIONS OF INVENERGY THERMAL DEVELOPMENT LLC
REGARDING THE FIRST DATA REQUEST OF THE
CONSERVATION LAW FOUNDATION**

Pursuant to Rule 1.27 of the Board's Rules of Practice and Procedure, Invenergy Thermal Development LLC ("Invenergy") objects to certain data requests served on Invenergy by the Conservation Law Foundation ("CLF"), dated January 13, 2016. Invenergy has objections with regard to some of the subparts of the following questions identified in CLF Request numbers 1-3 and 1-4.¹

CLF REQUEST 1-3:

"1-3. This Data Request pertains to PowerPoint Slide 21 used by Invenergy at the January 12, 2016 Preliminary Hearing, specifically this sentence: "By displacing older, inefficient plants Clear River is projected to save ratepayers \$280 million in cumulative savings between 2019 and 2022."

(a) Please confirm that the cumulate savings referred to pertain to: (1) the value of energy, not capacity or ancillary services; (ii) ratepayers in the Rhode Island load zone, not rest of pool; and (iii) the ISO-NE Capacity Commitment Periods 10, 11 and 12.

(b) Explain in detail how the \$280 million figure was derived, and provide all work-papers used in the calculations.

(c) Identify all inputs into these calculations derived from outside sources, and identify the outside source(s).

(d) For all inputs that were not derived from outside sources (that is, assumptions made by Invenergy), identify the assumption and explain why Invenergy believes the assumption to be reasonable.

(e) identify the principal person(s) responsible for this calculation.

(f) Identify additional person(s) involved in this calculation and generally the role of each one."

¹ Invenergy is preparing relevant and non-confidential responses to the CLF First Data Requests that Invenergy believes will be responsive to the questions. However, given the very short time in the Board's Rules (for identifying objections) Invenergy identifies these objections as described in this document.

OBJECTIONS:

Invenergy generally objects to responding to the questions identified within CLF 1-3 sub parts (b), (c), (d) and (f) on the grounds that these data requests are vague, overbroad and unduly burdensome, and potentially seeks information and data that is protected as trade secret, confidential and/or proprietary and not subject to public disclosure.

For example, in sub-part (b), CLF seeks details on how PA Consulting Group, Inc. (“PA”) derived its calculations and supporting information. PA has explained some of the market assumptions in documents that Invenergy filed with the Rhode Island Energy Facility Siting Board (“Board”) in support of the application. The Board granted Invenergy’s request for confidential treatment of portions of these PA documents. To the extent that PA and/or Invenergy relied on any of this confidential information in its calculations that information has been granted protected status by the Board, as confidential and not subject to further public disclosure.

With regard to the questions in sub-parts (c) and (d), CLF never defines the term “input” or what it means by the term “input.” Accordingly, this term is too vague, overbroad and confusing that Invenergy is unsure what CLF is specifically requesting. Also, to the extent that any of the “assumptions” used by PA or Invenergy are derived from the analysis that the Board has deemed protected as “confidential,” Invenergy objects to providing this information to CLF. Similarly, to the extent that any of the “assumptions” used by PA are derived from commercially sensitive, confidential or proprietary information, Invenergy notes this objection as well.

Finally, with regard to the question in sub-part (f), where CLF seeks information on additional persons “involved” in certain calculations, the term “involved” is vague, overbroad and confusing and in no way defined by CLF. Therefore, Invenergy notes this general objection

as well and is unsure how identifying specific individuals and what their role was for the Clear River analysis is in any way germane to data presented in CREC's evaluation. For these reasons, Invenergy generally objects to responding to this question because the request as being overbroad and unduly burdensome.

CLF REQUEST 1-4:

"1.4. This Data Request pertains to PowerPoint Slide 24 used by Invenergy at the January 12, 2016 Preliminary Hearing, specifically the figure of ratepayer savings of \$258 million in cumulative savings between 2019 and 2022.

(a) Please confirm that the cumulate savings referred to pertain to: (i) capacity payments, not energy or ancillary services; (ii) ratepayers in the Rhode Island load zone, not rest of pool; and (iii) the ISO-NE Capacity Commitment Periods 10, 11 and 12.

(b) Explain in detail how the \$258 million figure was derived, and provide all work-papers used in the calculations.

(c) Identify all inputs into these calculations derived from outside sources, and identify the outside source(s).

(d) For all inputs that were not derived from outside sources (that is, assumptions made by Invenergy), identify the assumption and explain why Invenergy believes the assumption to be reasonable.

(e) Identify the principal person(s) responsible for this calculation.

(f) Identify additional person(s) involved in this calculation and generally the role of each one."

OBJECTIONS:

For the same reasons explained above, Invenergy generally objects to responding to the questions identified within CLF 1-4 sub parts (b), (c), (d) and (f) on the grounds that these data requests are vague, overbroad and unduly burdensome, and potentially seeks information and data that is protected as trade secret, confidential and/or proprietary and not subject to public disclosure.

For example, in sub-part (b), CLF seeks details on how PA derived its calculations and supporting information. PA has explained some of the market assumptions in documents that Invenergy filed with the Board in support of the application. The Board granted Invenergy's request for confidential treatment of portions of these PA documents. To the extent that PA

and/or Invenergy relied on any of this confidential information in its calculations that information has been granted protected status by the Board, as confidential and not subject to further public disclosure.

With regard to the questions in sub-parts (c) and (d), CLF never defines the term “input,” and what it means by the term “input.” Accordingly, this term is too vague, overbroad, and confusing, and Invenergy is unsure what CLF is specifically requesting. Also, to the extent that any of the “assumptions” used by PA or Invenergy are derived from the analysis that the Board has deemed protected as “confidential,” Invenergy objects to providing this information to CLF. Similarly, to the extent that any of the “assumptions” used by PA are derived from commercially sensitive, confidential or proprietary information, Invenergy notes this objection as well.

Finally, with regard to the question in sub-part (f), where CLF seeks information on additional persons “involved” in certain calculations, the term “involved” is vague, overbroad and confusing and in no way defined by CLF. Invenergy notes this general objection as well.

Respectfully submitted,

INVENERGY THERMAL DEVELOPMENT

By Its Attorneys:



Alan M. Shoer, Esq. (#3248)
Richard R. Beretta, Jr., Esq. (#4313)
Nicole M. Verdi, Esq. (#9370)
ADLER POLLOCK & SHEEHAN, P.C.
One Citizens Plaza, 8th Floor
Providence, RI 02903-1345
Tel: 401-274-7200
Fax: 401-751-0604

Dated: January 19, 2016

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2016, I delivered a true copy of the foregoing document via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer