

**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)**

**SUPPLEMENTAL OBJECTION OF INVENERGY THERMAL DEVELOPMENT
LLC TO LYLE AND ERIN WALKER’S MOTION FOR INTERVENTION**

Now comes Invenergy Thermal Development LLC (“Invenergy”) and hereby objects to Lyle and Erin Walker’s (“the Walkers”) Supplemental Motion for Intervention. Invenergy incorporates its previous arguments set forth in its April 15, 2016 Objection to the Walkers’ Motion for Intervention. Further, Invenergy asserts that although the Walkers’ are now represented by counsel, the Rhode Island Energy Facility Siting Board (“RI EFSB” or “the Board”) should nevertheless deny their Motion.

ARGUMENT

A Motion for Intervention was filed on behalf of the Walkers as individuals on April 11, 2016. Invenergy objected on April 15, 2016. On May 5, 2016, the Walkers’ attorney entered his appearance and filed a Supplemental Motion for Intervention. The Walkers’ Supplemental Motion for Intervention fails to assert any new or additional substantive grounds as to why the Walkers should be allowed to intervene in the above-captioned matter. Hiring an attorney does not provide the Walkers with proper grounds for intervention. The Walkers still fail to cite a statutory right to intervene. The fact that the Walkers are residents of the Town of Burrillville (“the Town”) is insufficient to grant the Walkers’ Motion for Intervention.

As discussed in Invenergy’s previously filed Objection to the Walkers’ Motion for Intervention, questions regarding property interests are adequately represented by other Parties

(i.e., the Bolducs and the Shermans) to this proceeding. Similarly, several other Parties to this proceeding will be representing the overall economic and environmental impacts (and benefits) associated with the Clear River Energy Project (“CREC” or “Project”), including the issues of concern to the Walkers, namely the impact of the Project on the environment and any construction, traffic and economic concerns. Moreover, the Board has requested an advisory opinion from the Town’s tax assessor on any impact the Project may have on the Town’s property values.

The Board should prohibit each individual property owner from intervening as a full Party. Allowing each individual property owner to intervene can easily lead this process to become unmanageable and overly burdensome for the Board and all other Parties. It is simply not in the public interest to allow each and every property owner or resident who lives within the Town, or even in the vicinity of the Project, to intervene as a full Party to this proceeding, particularly where the responsible government agencies will be active participants to the proceeding.

As the Board has explained, there will be ample opportunity for the Walkers and the other concerned members of the Town, including all property owners, to provide comments, views, oppositions and data, in the form of public comment, in writing or in public testimony, so that the Board may hear the concerns and positions of these property owners with regard to the Project. The Board has already held one public meeting and has scheduled two more opportunities for specific public comments from residents of the Town.

CONCLUSION

For the reasons set forth herein, Invenergy hereby requests that the RI EFSB deny the Walkers’ Supplemental Motion for Intervention.

Respectfully submitted,

INVENERGY THERMAL DEVELOPMENT, LLC

By Its Attorneys:

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Dated: May 9, 2016

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 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