

the movants had an interest of such a nature that their participation in this proceeding was in the public interest. Additionally, the Progressive Democrats asserted that it had an interest that may be directly affected and would not be adequately represented by any of the existing parties pursuant to Rule 1.10(b)(2). For the reasons stated below, all of the motions to intervene are denied. In addition to defining the specific rights or interests that allow for intervention, Rule 1.10(c) states that a motion to intervene must “set out *clearly and concisely* facts from which the nature of the movant’s alleged right or interest can be determined, the grounds for the proposed intervention, and the position of the movant in the proceeding.” (emphasis added). The mere assertion that participation is in the public interest is not sufficient. *See Public Service Company of New Hampshire v. Patch*, 136 F.3d 197 (1st Cir. 1998)(the court stated that a movant’s promise that it will offer a different angle on the legal questions in the lawsuits was a campaign promise, unamplified by any specifics that did not bear the weight of the claim that adequate representation was lacking).

Fossil Free RI, Occupy Providence, and Sister Mary Pendergast

Fossil Free RI, Occupy Providence, and Sister Mary Pendergast all filed motions to intervene alleging their opposition to any and all construction of new fossil-fuel infrastructure in Rhode Island and the effects of fugitive methane gas emissions as grounds for intervention. All of the motions contain an identical, general statement of opposition to the project. The Rhode Island Supreme Court has held no matter how longstanding or qualified an organization in evaluating a problem, mere interest in the problem is not sufficient to render the organization adversely affected. *In Re Review of Proposed Town of New Shoreham Project*, 19 A.3d. 1226, 1227 (R.I. 2011). Beyond their general statement of opposition, none of these movants set forth clear and concise facts from which the Board could determine appropriate grounds to support the

proposed intervention. None of the motions indicated a sufficient basis to show why it would be in the public interest for the movants to intervene as parties in the proceeding. Therefore, the motions to intervene must be denied.

Rhode Island Progressive Democrats of America

The Progressive Democrats asserted that its participation “will be in the public interest within the meaning of EFSB Rule 1.10(b)(2) and (3).” It alleged that it has an “extensive understanding” of the economic issues related to gas and electric markets and how those issues affect Rhode Island consumers. It also alleged that it has considerable knowledge and experience and has participated in a multitude of matters before many agencies. Because of this, it contended its participation in the instant matter will be helpful and in the public interest. Irrespective of its experience and knowledge, the Progressive Democrats did not identify any interest that cannot be adequately represented by the existing parties. Therefore, its assertion that it should be allowed intervention pursuant to Rule 10(b)(2) must be rejected. *In Re Review of Proposed Town of New Shoreham Project*, 19 A.3d. at 1227.

Furthermore, both the Progressive Democrats’ assertion that its extensive experience, knowledge, and resources support its participation and its general statement of opposition were without any factual ground showing that its intervention would be in the public interest, and therefore, these arguments must be rejected. As stated above, merely asserting opposition to an issue that is unsubstantiated with supporting facts is insufficient to support intervention or show that participation would be in the public interest pursuant to Rule 1.10(b)(3). *See Public Service Company of New Hampshire v. Patch*, 136 F.3d at 205. For all of these reasons, the motion is denied.

Fighting Against Natural Gas and Burrillville Against Spectra Expansion

Like the other movants, FANG and BASE asserted that their participation would be in the public interest and they should be allowed to intervene pursuant to Rule 1.10(b)(3). Their joint motion did not specify why their intervention would be in the public interest other than to state that they were the main organizers seeking to halt Spectra Energy's pipeline expansion project, which is not an issue in this matter. They raised general concerns regarding noise, emissions, climate change, and traffic, all of which will be addressed by other parties to the proceeding. A simple allegation of public interest is not enough to justify entry as a party to the proceeding. As with the other movants, they have not substantiated why their participation would be in the public interest. *Public Service Company of New Hampshire v. Patch*, 136 F.3d at 205. Because of this, the motion is denied.

Sally Mendzela

Sally Mendzela filed a motion to intervene pursuant to Rule 1.10(b)(3). She raised environmental and health concerns, opposition to hydro-fracked gas, and the impact that a new fossil fuel plant will have on renewable energy growth. For all of the reasons outlined above, Ms. Mendzela's general opposition to fossil fuels is not sufficient to support her motion, and it must be denied. *See id.*

Burrillville Land Trust

Finally, the Board considered the Motion to Intervene filed pursuant to Rule 1.10(b)(3) by the Burrillville Land Trust. As with the movants referenced above, the Board found that the Burrillville Land Trust did not show a public interest that would not be represented by other parties. Additionally, the Board noted that, although not filed pursuant to Rule 1.10(b)(2), many of the interests raised by the Burrillville Land Trust were interests raised by existing parties to the

proceeding. The motion contained a great deal of information about what the Burrillville Land Trust does, which the Board finds commendable, but that information did not provide sufficient support to warrant its intervention in this proceeding. For that reason, and like with the parties before, its motion must be rejected.

While the Board has denied all of the above motions to intervene, it is important to note that there is still considerable opportunity for public participation through agency proceedings and/or public comment during one of the Board's public comment hearings. The Board encourages all interested members of the public to take advantage of these opportunities.

Accordingly, it is hereby

(85) ORDERED:

The Motions to Intervene in the proceedings of this docket filed by Occupy Providence, Fossil Free RI, Sister Mary Pendergast, Rhode Island Progressive Democrats of America, Fighting Against Natural Gas (FANG), Burrillville Against Spectra Expansion (BASE), Sally Mendzela, and the Burrillville Land Trust are denied.

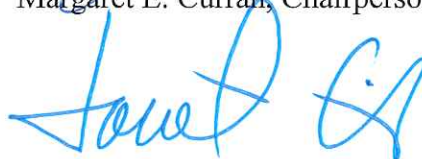
EFFECTIVE AT WARWICK, RHODE ISLAND, JANUARY 29, 2016. WRITTEN ORDER
ISSUED MARCH 10, 2016.

ENERGY FACILITY SITING BOARD





Margaret E. Curran, Chairperson



Janet Coit, Member