

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

In Re: Invenergy Thermal Development LLC's :  
Application to Construct the Clear River Energy : Docket No. SB-2015-06  
Center in Burrillville, Rhode Island :

**MOTION TO CHANGE HEARING LOCATION**

The Town of Burrillville (“the Town”), by and through its undersigned counsel, hereby respectfully requests that the Energy Facility Siting Board (“EFSB” or “Board”) move the hearings in this docket to a different location to accommodate the hundreds of citizens who will wish to attend.

There is immense interest by the Town's residents in the proceedings to be held by the EFSB on the issue of permitting the Clear River Energy Center (power plant) on Wallum Lake Road in the Town.

The enormity of the interest, along with the extraordinary number of residents that have appeared before the EFSB during the various public comment hearings, illustrates that there are hundreds of our residents that wish to observe the hearings, listen to the testimony of the many experts, and hear the arguments made by the various parties/intervenors. Our citizens are concerned that the proceedings are transparent and fair.

Of particular importance to the Town's residents is the location of the EFSB hearings. On July 13, 2016, a prehearing conference was conducted with EFSB staff and the attorneys for the parties. Those present discussed logistics, presentation of experts, exhibits, and scheduling of dates for the EFSB hearings. It was stated by staff that it has been the custom and practice, that all hearings be held within the confines of the room designated for the Public Utilities Commission.

It was stated that Hearing Room A is specially equipped to accommodate the technology necessary for the Board to conduct its business. Although that is a valid concern, it should not override the greater good – conducting “public hearings” in a manner consistent with the ability of the public to observe the conduct of their government. Where available seating is so sparse as to effectively eliminate the public’s attendance, the spirit of the Open Meetings Act is violated. *See R.I.G.L. §42-46-1 et seq.*



The reason for our concern, on behalf of the residents of the Town, is that Hearing Room A can only accommodate 100 total persons, per the Fire Marshall’s order. The number of people on the service list for this docket exceeds 75. It is reasonable to conclude that the number of intervenors, their attorneys, the Board itself, along with Board staff will total almost 100 persons in attendance at the hearings. This would leave few, if any, spaces available for the public, in particular the Town’s residents, to attend the hearings.

Understanding that there are obstacles to overcome to find a forum large enough to accommodate the hundreds of citizens that desire to be present, e.g., school auditoriums of Community College of Rhode Island (CCRI) and Burrillville High School, there are other venues that can be considered. The State of Rhode Island has facilities that can accommodate a large number of people. For example, there is an auditorium at the Zombarano Hospital. Additionally, the State Legislature is not in session now, so the State House may be an available location. There may be others that could be considered also.


In order to avoid the appearance that this process is being closed off to the very people whose lives are most affected, on behalf of the residents of the Town, we respectfully request that the EFSB move its hearings to a facility large enough to accommodate the hundreds of people whose lives could be seriously and negatively impacted by this facility.

TOWN OF BURRILLVILLE  
By its attorneys

Dated: July 15, 2016


  
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Dated: July 15, 2016

  
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**CERTIFICATE OF SERVICE**

I certify that the original and ten photocopies of this Motion were filed by U.S. Mail, postage prepared, with the Coordinator of the EFSB, 89 Jefferson Boulevard, Warwick, RI 02888. In addition, electronic copies of this Motion were served via email on the service list for this docket. I certify that all of the foregoing was done on July 15, 2016.

  
Leah Donaldson, Esq.