

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

IN RE: INVENERGY THERMAL DEVELOPMENT LLC :
APPLICATION TO CONSTRUCT AND :
OPERATE THE CLEAR RIVER ENERGY : **SB-2015-06**
CENTER, BURRILLVILLE, RHODE ISLAND :

SHOW CAUSE ORDER

On October 29, 2015, Invenergy Thermal Development LLC (Invenergy) filed an application with the Energy Facility Siting Board (Board) to construct and operate a combined-cycle natural gas-fired electric generating facility in the Town of Burrillville, Rhode Island. On September 28, 2017, Invenergy filed a contract with the Narragansett Indian Tribe (NIT) and a Supplemental Water Supply Plan for the withdrawal of water from NIT land in Charlestown, Rhode Island. Subsequent to the signing of the contract, the Board was provided with a letter to members of the NIT from one of the NIT signatories on the contract indicating that the water would be withdrawn from property in Westerly which was inconsistent with the Supplemental Water Supply Plan. The inconsistent information and lack of specific information regarding Invenergy’s Supplemental Water Supply Plan prevent the Board from being able to thoroughly evaluate the viability of the Supplemental Water Supply Plan.

On December 1, 2017, the Board received a letter from Invenergy’s representative John Niland informing the Board of pending actions before the Federal Energy Regulatory Commission (FERC). One of those actions seeks to have Invenergy’s financial obligations with respect to operation and maintenance costs of its interconnection shifted to ratepayers. As Invenergy has

consistently represented to the Board that the project will be privately funded with no cost to ratepayers, FERC's decision in this matter could render those representations inaccurate. If FERC approves Invenergy's complaint and costs are shifted to ratepayers, the Board will be required to evaluate a revised cost component of the project as part of its overall evaluation. In addition to the Board's evaluation, the other parties in the proceeding must have the right to address these changes.

In light of the lack of information regarding the Supplemental Water Supply Plan and the uncertainty of the affect of the FERC complaint, the Board ordered Invenergy to appear before it to show cause as to: (1) whether the Supplemental Water Supply Plan with the NIT, as submitted, contains sufficient detail for the Board to evaluate and/or whether the Supplemental Water Supply Plan should be dismissed from the pending application, and (2) whether the application, as submitted, under Board Rules 1.5 and 1.6 would be sufficiently changed as to the cost impact on ratepayers so as to require suspension during the pendency of the actions before FERC.

Accordingly, it is hereby

(117) ORDERED:

Invenergy shall appear before the Board on December 18, 2017 at 9:30 am to show cause: (1) whether the Supplemental Water Supply Plan with the NIT, as submitted, contains sufficient detail for the Board to evaluate and/or whether the Supplemental Water Supply Plan should not be dismissed from the pending application and (2) whether the application, as submitted, under the Board Rules 1.5 and 1.6 would be sufficiently changed as to the cost impact on ratepayers so as to require suspension during the pendency of the action before FERC.

EFFECTIVE AT WARWICK, RHODE ISLAND, DECEMBER 12, 2017. WRITTEN ORDER
ISSUED DECEMBER 12, 2017.

ENERGY FACILITY SITING BOARD



Margaret E. Curran, Chairperson

Janet Coit, Member

Parag Agrawal, Member