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November 14, 2017

Todd Anthony Bianco  
Coordinator  
Rhode Island Energy Facility Siting Board  
89 Jefferson Boulevard  
Warwick, RI 02888

Re: Invenergy Thermal Development LLC – Clear River Energy Center  
Docket No. SB-2015-06

Dear Dr. Bianco:

Enclosed for filing in this matter are an original and 3 copies of the Town of Burrillville's Reply Joining in the Conservation Law Foundation's Reply to Invenergy's Objection to CLF's Motion for Supplemental Advisory Opinions, Discovery, and Supplemental Expert Testimony, and Joining in CLF's New Motion for Appointment of an Independent Financial Analyst.

If you have any questions, please feel free to call.

Very truly yours,



Michael R. McElroy

MRMc:tmg

cc: Service List

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
ENERGY FACILITY SITING BOARD

IN RE: INVENERGY THERMAL DEVELOPMENT LLC's :  
APPLICATION TO CONSTRUCT THE CLEAR RIVER : DOCKET No. SB-2015-06  
ENERGY CENTER IN BURRILLVILLE, RHODE ISLAND :

**TOWN OF BURRILLVILLE'S REPLY JOINING IN THE CONSERVATION LAW  
FOUNDATION'S REPLY TO INVENERGY'S OBJECTION TO CLF'S MOTION FOR  
SUPPLEMENTAL ADVISORY OPINIONS, DISCOVERY, AND SUPPLEMENTAL  
EXPERT TESTIMONY, AND JOINING IN CLF's NEW MOTION FOR  
APPOINTMENT OF AN INDEPENDENT FINANCIAL ANALYST**

The Town of Burrillville ("Town") supports and joins in the Conservation Law Foundation's ("CLF") Reply to Invenergy's Objection to CLF's Motion for Supplemental Advisory Opinions, Discovery, and Supplemental Expert Testimony. In addition, the Town supports and joins in CLF's Motion Requesting that the Board appoint an independent financial analyst to review the consequences of ISO New England's ("ISO-NE") disqualification of Turbine 2 from FCA-12 and to advise the Board accordingly.

The Town is distressed that Invenergy once again is attempting to prevent vital information from being reviewed by the Board, the parties, and the public.

As pointed out in CLF's Reply, under the applicable ISO Tariff, Invenergy had actual notice of its disqualification from FCA-12 no later than October 1, 2017, yet Invenergy withheld that information for a full month and did not notify the EFSB, the parties, or the public of this dramatic development until November 1, 2017.

More importantly, however, when Invenergy finally notified the Board, the parties, and the public of its disqualification from FCA-12, it failed to produce **any** of the vital correspondence between Invenergy and ISO-NE. This information is crucial and must be reviewed by this Board, the parties, and the experts for the parties, to determine what impacts this disqualification will have

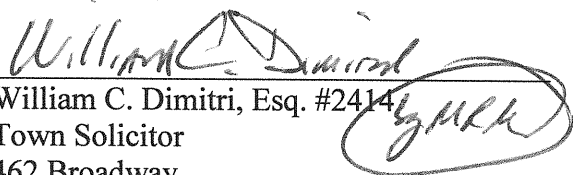
on (1) whether this project is needed at all, and (2) whether this project now has any reasonable likelihood of moving forward to commercial operation.

The Town questions why Invenenergy did not simply produce the correspondence with ISO-NE simultaneously with its November 1 informational filing regarding the Invenenergy disqualification from FCA-12. Why is Invenenergy continuing its practice of withholding crucial information from this Board, the parties, and the public? It seems reasonable to assume that if the exchange of correspondence between Invenenergy and ISO-NE was favorable to Invenenergy, it would have been produced immediately. Therefore, the Town can only conclude that the information contradicts and/or undermines Invenenergy's assessment of the impacts of this disqualification.

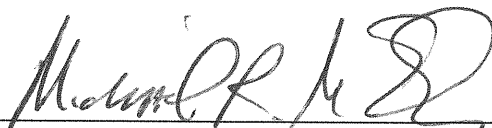
Invenenergy wants this Board, the parties, and the public to only see a sanitized version of why the disqualification occurred and what it means. However, it is absolutely essential for this information to be disclosed in order for fully informed licensing decisions to be made. The parties should therefore be allowed to engage in additional discovery, limited to the issues surrounding Invenenergy's disqualification from FCA-12 and the impacts of that disqualification. Once the information is made available, it should also be reviewed by an independent financial analyst.

For the foregoing reasons, the Town supports and joins in CLF's Reply and its Motion asking the Board to hire an independent financial expert to evaluate these complex issues that are crucial to determining (1) if this plant is needed, and (2) if the plant can reasonably be expected to ever begin commercial operation.

Respectfully submitted,  
Town of Burrillville  
By its attorneys



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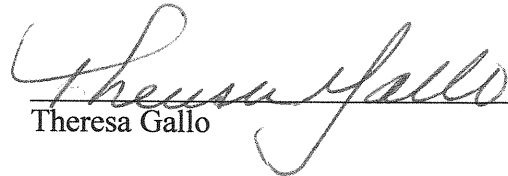


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Date: November 14, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of November, 2017, I sent a copy of the foregoing to the attached service list.

  
Theresa Gallo

**SB-2015-06 Invenergy CREC Service List as of 10/04/2017**

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