

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 CENTER POWER PLANT
IN BURRILLVILLE, RHODE ISLAND**

Docket No.: SB-2015-06

**TOWN OF CHARLESTOWN'S MOTION FOR
CLARIFICATION/INSTRUCTIONS AND/OR FOR AN EXTENSION**

Now comes the Town of Charlestown ("Charlestown") and hereby respectfully moves to pursuant to EFSB Rules 1.18(b) & (d), and Rule 1.12(c), for clarification/instructions on (a) discovery deadlines and (b) deadlines for filing of pre-filed testimony. In the alternative, Charlestown moves for a thirty (30) day extension of the deadlines as set forth below.

The grounds for this request is that Charlestown, since gaining Intervenor status, has sought certain unredacted documents from the applicant, Invenergy Thermal Development, LLC ("Invenergy") that were promised (subject to the Protective Order of the EFSB from October 17, 2017) during the hearing on Charlestown's motion to intervene; specifically, the Water Supply Plan Supplement dated and filed September 28, 2017 and the documents/appendices attached thereto. As of Friday, November 17, 2017, Invenergy finally produced a non-disclosure agreement in need of edits. The lack of having this information has caused delay for the experts hired by Charlestown in conducting their analysis on the Water Supply Plan Supplement and how it affects the Town of Charlestown. As such, Charlestown will be unable to meet the current deadline of filing all pre-filed testimony at least 10 days prior to the start of the Final Hearing (currently scheduled for December 8, 2017) in accordance with Rule 1.12(c). However, Charlestown also stresses that Rule 1.12(c) also allows for after-filed testimony, documents and other evidence past the 10-day prior deadline when good cause is shown. To that end, Charlestown avers that it has been diligent in seeking what it needs from Invenergy since being granted Intervenor status and through no fault of Charlestown, will be unable to meet the November 28th deadline for pre-filed testimony and evidence.

Therefore, in order to provide all parties with enough time to review and comment on Charlestown's intended expert witness testimony, Charlestown respectfully requests that the EFSB extend the remaining Procedural Schedule deadlines thirty (30) days.

The resulting deadlines suggested are:

- 1) List of Experts and CVs: December 28, 2017;
- 2) All Pre-Filed Testimony, Exhibits and Short Statement of Purpose: December 28, 2017;
- 3) Exhibit List Circulated: December 28, 2017;
- 4) Objections and Rebuttal Testimony: January 13, 2018; and
- 5) Final Hearings Begin: January 28, 2018

WHEREFORE, for all the reasons set forth above, Charlestown respectfully prays that its Motion for Clarification/Instructions and/or Extension be granted.

Respectfully submitted,
TOWN OF CHARLESTOWN
By and Through Its Attorney,

/s/ Peter D. Ruggiero
Peter D. Ruggiero (#5733)
Town Solicitor

/s/ David R. Petrarca, Jr.
David R. Petrarca, Jr. (#8140)
Assistant Town Solicitor

RUGGIERO BROCHU & PETRARCA
20 Centerville Road
Warwick, Rhode Island 02886
Tel: 401-737-8700
Fax: 401-737-0735
Peter@RuBroc.com
David@RuBroc.com

Dated: November 20, 2017

CERTIFICATION

I, the undersigned, do hereby certify that I did forward a copy of the within Motion to Intervene via e-mail to all on the following service list on the 20th day of November, 2017.

/s/ David R. Petrarca, Jr.