

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
ENERGY FACILITY SITING BOARD

IN RE: Application of  
Invenergy Thermal Development LLC's  
Proposal for Clear River Energy Center

Docket No. SB 2015-06

**Motion of Conservation Law Foundation for the Full Admission  
of Invenergy's QDN for FCA-13**

Conservation Law Foundation (CLF) respectfully requests that the Energy Facility Siting Board (EFSB) admit as a full exhibit the Qualification Determination Notification (QDN) for Forward Capacity Auction 13 (FCA-13), issued by the Independent System Operator-New England (ISO-NE) to Invenergy on September 28, 2018 (including the 10-page addendum).

The reason that CLF was unable to move admission of this exhibit before the commencement of the Final Hearing is that the QDN document did not exist until September 28, 2018.

Invenergy has already moved as full exhibits every prior QDN it received from the ISO for each prior FCA: those for FCA-10, FCA-11, and FCA-12. Invenergy's failure to move the most recent QDN is revealing. This ISO-produced document is highly relevant to at least two matters that the EFSB must consider in this proceeding.

First, the QDN is further evidence that the electricity to be produced by Invenergy is not wanted and not needed by the ISO.

Second, the QDN provides evidence of the degree to which Invenergy has misstated facts to the EFSB, the parties, and the public. See, e.g. CLF's Opening Statement, April 26, 2018

Final Hearing Transcript, referring to “the record of lies told by Invenergy to the EFSB, to the ISO, and to the public.” April 26, 2018 Transcript at page 80, lines 4-7; see, generally, April 26, 2018 Transcript, at page 80, line 4 to page 86, line 7 (“And even if a power plant were needed, which it is not, this would not be the company to build the plant because you can’t give a permit to a company that can’t be honest with the ISO, with the EFSB, and with the public.”)

The QDN is covered by both the Non-Disclosure Agreement in this case and by federal law pertaining to Critical Electricity Infrastructure Information (CEII). CLF will make the QDN available to the EFSB in a manner that does not violate CLF’s obligations for confidentiality.

CONSERVATION LAW FOUNDATION,  
by its Attorney,



Jerry Elmer (# 4394)  
CONSERVATION LAW FOUNDATION  
235 Promenade Street, Suite 560  
Mailbox 28  
Providence, RI 02909  
Telephone: (401) 228-1904  
Facsimile: (401) 351-1130  
E-Mail: [JElmer@CLF.org](mailto:JElmer@CLF.org)

CERTIFICATE OF SERVICE

I certify that the original and seven hard copies of this document were hand delivered to the Energy Facility Siting Board and served electronically on the service list of this docket on October 5, 2018.

