

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 To Strike Ryan Hardy's Testimony
Pertaining To Air Emissions**

Conservation Law Foundation (CLF) respectfully moves the Energy Facility Siting Board (EFSB) to strike Ryan Hardy's pre-filed testimony pertaining to air emissions.

Mr. Hardy's testimony pertaining to air emissions was predicated on the ISO Tariff Section III.13.6.1.1.1. Ryan Hardy's June 30, 2017 Pre-Filed Testimony, page 8, lines 11 – 20. As Mr. Hardy explains, this Tariff section is the ISO's so-called "must offer rule." Resources that have a Capacity Supply Obligation (CSO) are obligated to offer energy into both the Day Ahead and the Real Time Energy Markets every one of the 8,760 hours of the ISO's Operating Year. Id. Mr. Hardy's calculations of air emission effects (including CO₂, NO_x and SO₂) were based on Invenergy having a CSO for all 1,000 MW of its project – and therefore being obligated to offer energy every hour of the year and then actually clearing many hours of the year.

We now know that Invenergy does not have a CSO for either turbine. Without a CSO, Invenergy has no obligation to offer energy into the ISO market for any hours of the year, let alone for every one of the 8,760 hours in the Operating Year; and there is no indication in the record either of how often Invenergy might offer energy or of how often Invenergy might clear. That is, there is no basis in the Record for Mr. Hardy's testimony pertaining to air emissions.

CLF anticipates that Invenenergy may seek leave to file supplemental testimony to account for this obvious problem. CLF would object to any such request. This case is more than three years old, and Invenenergy has had more than enough time to get its (metaphorical) ducks in a row. The EFSB, the EFSB's staff, and the parties should not be forced into more delays on account of Invenenergy's bad planning.

The short of it that Mr. Hardy's testimony pertaining to putative, supposed air emission effects of Invenenergy's proposed plant is now without foundation, and should be stricken. Invenenergy should not be given yet another chance to clean up its mess.

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by its Attorney,



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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 November 19, 2018.

