

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

**CONSERVATION LAW FOUNDATION'S MOTION TO RELEASE THE
REDACTED PORTIONS OF GLENN WALKER'S TESTIMONY**

On September 27, 2019, the Town of Burrillville filed the Surrebuttal Testimony of its expert witness Glenn C. Walker. Mr. Walker expresses "the opinion that the proposed [Invenergy plant] is not needed or justified by long-term State of Rhode Island and/or regional energy forecasts . . ." In addition, Mr. Walker "rebutts misrepresentations of facts by Ryan Hardy [of Invenergy] . . ." Quotations from Summary of Mr. Walker's Surrebuttal Testimony.

Mr. Walker also testifies, at page 10, lines 15 to 20, that [REDACTED]

[REDACTED]

All three of these issues (whether the plant is needed, Invenergy's misrepresentations to the EFSB, and [REDACTED] are central issues in this case.

Both Conservation Law Foundation (CLF) and the Town of Burrillville (Burrillville) have entered into a Non-Disclosure Agreement (NDA) with Invenergy. As a result, CLF received the unredacted version of Mr. Walker's Surrebuttal Testimony.

By this Motion, CLF respectfully asks the Energy Facility Siting Board (EFSB) to allow the release to the public of the currently redacted portions of Mr. Walker's testimony. Counsel

for CLF and Invenergy conferred about these redactions; Invenergy declined to agree to release the redacted portions of Mr. Walker's testimony.

CLF believes that the redactions now in Mr. Walker's Surrebuttal Testimony fall into two distinct categories. CLF addresses separately the reasons for releasing the text in each category.

In the first category, CLF believes that there is no proprietary or confidential information contained in these redactions. Accordingly, these materials should be released. The redactions in this category are: page 3, lines 10-11; page 6, lines 7-13; and the redacted portions of pages 10-11.

In the second category, CLF believes that there may be confidential information, but that the public interest in the integrity of the EFSB process outweighs any privacy interests that Invenergy may have. The redactions in this category are: page 4, lines 4-5; page 5, line 19 to page 6, line 5; and page 21, lines 13-14.

The proposed Invenergy plant is controversial. Accordingly, public confidence in the integrity of the EFSB process is crucially important. CLF is confident that all three EFSB members understand this, and Director Coit spoke about this with particular eloquence at the EFSB's Open Meeting on January 29, 2016. January 29 Hearing Transcript, page 7, line 4 to page 9, line 12. Specifically, Director Coit spoke of "making all the decisions in front of the public at every step" and asking the public to "Please respect the process."

In this context, CLF respectfully submits that issues pertaining to need and [REDACTED] are central to the transparency that we all want.

CONSERVATION LAW FOUNDATION,
by its Attorneys,



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CERTIFICATE OF SERVICE

I certify that the original and three copies of this Motion hand delivered to the Energy Facility Siting Board in two separate formats: redacted (for public use) and unredacted (for EFSB use). In addition, redacted copies of the Motion were served electronically on the full service list of this Docket, and unredacted copies were served electronically on Invenenergy and the Town of Burrillville. I certify that all of the foregoing was done on October 4, 2017.

