

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

**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
THE TOWN OF BURRILLVILLE'S 41st SET OF DATA REQUESTS**

Request 41-1 Provide copies of all documents including the Critical Path Schedule ("CPS") and cost workbook(s) and supporting documents submitted to the ISO-NE or its agent(s) for any auction in which all or part of the Clear River Energy Center ("CREC") was offered as capacity.

Response 41-1 Invenergy filed quarterly progress reports in 2016 and monthly progress reports in 2017, through an online tool/database tracking system. Attached as **Exhibit 41-1 (Confidential)** are screen shots of the reports and any documents submitted as filed.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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Request 41-2 Provide copies of the cost workbook(s) and all information submitted to the ISO-NE or its agent(s) relating to the Offer Review Trigger Price ("ORTP") or Minimum Offer Price Rule ("MOPR") challenge(s) relative to any Forward Capacity Auction ("FCA") in which Invenergy bid capacity from the CREC.

Response 41-2 See **Exhibit 41-2 (Confidential)**.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
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Request 41-3 Provide a copy of any document provided to Invenergy by the ISO-NE or its agent(s) relative to its review of CREC Unit 2 participating in FCA-12.

Response 41-3 Please see the previously provided confidential QDN, filed as a confidential exhibit to the Supplemental Pre-Filed Testimony of John Niland, filed with the Energy Facility Siting Board ("EFSB" or "Board") on November 20, 2017 and the confidential Appendix filed on November 28, 2017.

Please also see **Exhibit 41-3 (Confidential)**.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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Request 41-4 Provide a complete copy along with all appendices of the New Capacity Qualification Determination Notification ("QDN") for the CCP 2021-2022 FCA, including all of the information contained in the Appendix to the QDN, a portion of which was filed as Exhibit JN SUPPLEMENTAL-2 (Confidential) in the November 20, 2017 Pre-Filed Supplemental Testimony of John Niland.

Response 41-4 Invenergy previously provided the confidential QDN, as a confidential exhibit to the Supplemental Pre-Filed Testimony of John Niland, filed with the EFSB on November 20, 2017. Invenergy also confidentially filed the Appendix on November 28, 2017.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
THE TOWN OF BURRILLVILLE'S 41st SET OF DATA REQUESTS**

Request 41-5 Provide a summary of all past financial assurances submitted to the ISO-NE or its agent(s) relating to the CREC, along with the calculations or invoices used to determine such amounts.

Response 41-5 Please see Exhibit 1A of the ISO-NE Tariff, Section VII.B.2.b for the calculations for non-commercial capacity financial assurance amounts. Also attached as **Exhibit 41-5 (Confidential)** is a screenshot of CREC's current financial assurances.

RESPONDENT: John Niland, Invenenergy Thermal Development LLC

DATE: January 9, 2018

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Request 41-6 Identify if Invenergy elected CPS monitoring for the CREC Unit 2.

Response 41-6 Because Unit 2 was denied qualification for FCA 12, Invenergy does not have the option to elect CPS monitoring for CREC Unit 2. Please also see **Exhibit 41-10 (Confidential)**.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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Request 41-7 Provide copies of each CPS report from Invenergy to the ISO-NE or its agent(s)
for the CREC

Response 41-7 Please see response to Data Request, No. 41-1 above.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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Request 41-8 Provide all communication from the ISO-NE and/or Internal Market Monitor relating to the cost workbook(s) relative to the ORTP or MOPR.

Response 41-8 Please see response to Data Request, No. 41-2 above.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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Request 41-9 Provide all documentation, memoranda, notes from conversations, and communication with the ISO-NE and/or the Internal Market Monitor relative to CREC Unit 2 participating in FCA-12.

Response 41-9 Please see response to Data Request, No. 41-2 above.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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Request 41-10 Provide all relevant correspondence and/or confirmatory memoranda pertaining to CREC's possible participation in FCA-13.

Response 41-10 Please see the previously provided confidential QDN, filed as a confidential exhibit to the Supplemental Pre-Filed Testimony of John Niland, filed with the EFSB on November 20, 2017.

Please also see **Exhibit 41-10 (Confidential)**.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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Request 41-11 Provide the specific resource(s) and counter party(s) that is satisfying the
CREC's Capacity Supply Obligation ("CSO") in FCA 10.

Response 41-11 Unknown. It is Invenergy's understanding that only ISO-NE has access to this
information.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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Request 41-12 Provide any communication between Invenergy and/or the ISO-NE or its agent(s) relating to Invenergy's ability to cover its CSO for any future Capacity Commitment Period ("CCP")

Response 41-12 Please see **Exhibit 41-12 (Confidential)**.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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Request 41-13 What is the current status of CREC's position in the ISO Interconnection Queue?
Has this changed in the past 12 months? If yes, specify how and provide all
relevant documents. If CREC has lost its interconnection queue position,
provide any supporting documentation.

Response 41-13 CREC's position in the ISO-NE Interconnection Queue is 489. There has been
no change.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
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Request 41-14 Provide a copy of the Final Notice from the ISO-NE that the Project and/or
CREC Unit 2 would not be able to participate in FCA 12.

Response 41-14 Please see the previously provided confidential QDN, filed as a confidential
exhibit to the Supplemental Pre-Filed Testimony of John Niland, filed with the
EFSB on November 20, 2017 and the confidential Appendix filed on November
28, 2017.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

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**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
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Request 41-15 Provide any documentation which relates to whether the Project and/or CREC
Unit 2 will or will not be able to participate in FCA-13 and beyond.

Response 41-15 Please see response to Data Request, No. 41-10 above.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
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Request 41-16

In regard to the statement by the ISO-NE in its QDN issued to Invenergy on September 29, 2017:



Provide copies of any documentation, memoranda, notes, or other forms of communication in Invenergy's possession that it provided to the ISO-NE for evaluation as referenced in the ISO-NE QDN.

Response 41-16

Please see Invenergy's responses to CLF's Data Requests, Nos. 10-1, 10-2, 10-6, 10-7, 10-9 and Invenergy's responses to the Town's Data Requests, Nos. 41-3 and 41-5.

RESPONDENT:

John Niland, Invenergy Thermal Development LLC

DATE:

January 9, 2018

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
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Request 41-17 In regard to the statement by the ISO-NE in its QDN issued to Invenergy on
September 29, 2017:



Provide copies of any information provided by Invenergy that would support the
ISO-NE's conclusion that "considerable effort has already been expended by the
Project Sponsor."

Response 41-17 Invenergy has worked on the CREC Project for over four (4) years and has
submitted quarterly and then monthly reports to ISO-NE for over a year.
Invenergy has retained consultants, hired attorneys, posted credit, secured land,
submitted volumes of information to the Energy Facility Siting Board in the
form of hundreds of data request responses, pre-filed testimony, reports and
informational filings, submitted multiple permits (Freshwater Wetlands Permit
and Air Permit) with the Rhode Island Department of Environmental
Management, etc. Based on the amount of information that is publically
available regarding this CREC Project, it is clear the Invenergy expended
considerable effort since the Project's conception.

Please also see Invenergy's responses to CLF's Data Requests, Nos. 10-1, 10-2,
10-6, 10-7, 10-9 and Invenergy's responses to the Town's Data Requests, Nos.
41-1, 41-3 and 41-5.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 8, 2018

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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IN RE: Application of Invenergy Thermal
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**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
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Request 41-18 Provide any documentation, memoranda, notes, or other forms of communication prepared by Invenergy or its agent(s) relating to the qualification of CREC Unit 2 to participate in FCA 12.

Response 41-18 Please see the information prepared by Invenergy included in Invenergy's responses to CLF's Data Requests, Nos. 10-1, 10-2, 10-6, 10-7, 10-9 and Invenergy's responses to the Town's Data Requests, Nos. 41-3 and 41-5.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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Request 41-19 Provide a copy or summary of any additional relevant information provided to the ISO-NE by Invenergy relating to CREC Unit 2 as required under ISO-NE Market Rule 1, Section 13.3.2.3. summarized as follows:

"The Project Sponsor must include in the critical path schedule report any other information regarding the status or progress of the project or any of the project milestones that might be relevant to the ISO's evaluation of the feasibility of the project being built in accordance with the critical path schedule or the feasibility that the project will meet the requirement that the project achieve Commercial Operation no later than the start of the relevant Capacity Commitment Period."
[emphasis added]

Response 41-19 Please see response to Data Request, No. 41-1 above and **Exhibit 41-19 (Confidential)**.

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
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Request 41-20 Please provide all documentation related to the statement by the ISO-NE in its
QDN issued to Invenergy on September 29, 2017:



Response 41-20 Please see the Complaint filed with the Federal Energy Regulatory Commission,
available at [http://www.iso-ne.com/static-
assets/documents/2017/11/public_filing_clear_river_lgia.pdf](http://www.iso-ne.com/static-assets/documents/2017/11/public_filing_clear_river_lgia.pdf).

RESPONDENT: John Niland, Invenergy Thermal Development LLC

DATE: January 9, 2018

INVENERGY THERMAL DEVELOPMENT LLC
By its Attorneys,

/s/ Alan M. Shoer

Alan M. Shoer, Esq. (#3248)

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Dated: January 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2018, I delivered a true copy of the foregoing responses to the Town of Burrillville's 41st Set of Data Requests via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer

EXHIBIT CLF 10-7 and TOWN 41-1

(REDACTED)

EXHIBIT TOWN 41-2

(REDACTED)

EXHIBIT TOWN 41-3

(REDACTED)

EXHIBIT TOWN 41-5

(REDACTED)

EXHIBIT CLF 10-3 and TOWN 41-10

(REDACTED)

EXHIBIT TOWN 41-12

(REDACTED)

EXHIBIT TOWN 41-19

(REDACTED)