

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
RESPONSE TO CONSERVATION LAW FOUNDATION'S
SEVENTH SET OF DATA REQUESTS**

Request 7-1: Does Invenergy contend that there is any contract, currently in effect, between the Town of Johnston and either the Providence Water Supply Board (PWSB) or the City of Providence (Providence) that creates a legal obligation for PWSB or Providence to sell water to Johnston. If yes, please produce the contract

Response 7-1: Invenergy Thermal Development LLC (Invenergy) does not contend that there is a contract currently in effect between the Town of Johnston (Johnston) and the Providence Water Supply Board (PWSB). Any such contract would be subject to the jurisdiction of the Rhode Island Public Utilities Commission (PUC), as the PWSB is subject to the regulatory jurisdiction of the PUC with regard to rates and other matters.

Accordingly, contracts by and between PWSB and Johnston, as well as PWSB's other wholesale customers have been phased out and replaced by wholesale supply by and through tariffs approved by the PUC. Thus, Invenergy contends that PWSB has a legal obligation to sell water to Johnston and other public authorities at wholesale and those public authorities may then resell.

PWSB services approximately sixty (60%) percent of the residents of the State of Rhode Island either directly through the retail service area, or through wholesale service to various public authorities, who then resell.

In accord with PWSB's response to a data request by the Division of Public Utilities and Carriers in PUC Docket No. 4618, PWSB is the sole source of water supply for the following wholesale customers:

1. Bristol County Water Authority
2. East Providence Water Division
3. Warwick Water Division
4. Lincoln Water
5. Johnston Water
6. Greenville Water

7. Smithfield Water
8. East Smithfield Water District.

In addition, PWSB also provides a supply of water to a ninth wholesale customer, Kent County Water Authority. However, Kent County Water Authority also has wells and purchases water from the Warwick Water Division. In turn, Kent County Water Authority's water purchase from the Warwick Water Division is also derived from wholesale supply by PWSB.

Through such wholesale interconnections, the following additional communities are served: Lincoln, Smithfield, Coventry, East Greenwich, Scituate, Warwick, West Greenwich, West Warwick, East Smithfield, Bristol, Barrington and Warren.

Based on reports supplied to the Rhode Island Water Resources Board, approximately forty-three (43%) percent of PWSB's sales are supplied to its nine (9) wholesale customers, who then resell.

In fact, PWSB's tariffs have a separate schedule with regard to "Bulk Sales to Public Authorities for Resale". Thus, PWSB is legally obligated to supply water at wholesale to Johnston for Johnston's resale pursuant to a tariff subject to the jurisdiction of the PUC. As a matter of law, PWSB would not be able to detariff Johnston or the other nine (9) water authorities, who receive water supply wholesale from PWSB for resale by those public authorities.

Invenergy Thermal Development LLC
By Its Attorneys,

/s/ Alan M. Shoer

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Certification of Service

I hereby certify that on May 17, 2017, I delivered a true copy of the foregoing responses to the Conservation Law Foundation's 7th Set of Data Requests via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer _____