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November 15, 2017

VIA HAND DELIVERY AND ELECTRONIC MAIL

Mr. Todd A. Bianco
Coordinator
State of Rhode Island Energy Facilities Siting Board
89 Jefferson Blvd.
Warwick, RI 02886

Re: SB 2015-06, Invenergy Thermal Development LLC's Application to Construction the Clear River Energy Center Power Plant in Burrillville, RI

Dear Mr. Bianco:

Please find enclosed an original and three (3) copies of the Rhode Island Building and Construction Trades Council's Objections to recent motions filed.

Please let me know if you have any questions. Thank you.

Very truly yours,

Gregory A. Mancini

cc: SB 2015-06 Invenergy CREC Service List

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD**

**RE: SB 2015-06, INVENERGY THERMAL DEVELOPMENT, LLC APPLICATION TO
CONSTRUCT AND OPERATE THE CLEAR RIVER ENERGY CENTER IN
BURRILLVILLE, RHODE ISLAND**

**OBJECTION TO THE TOWN OF BURRILLVILLE’S MOTION TO DISMISS AND
CONSERVATION LAW FOUNDATION’S MOTION FOR SUPPLEMENTAL
ADVISORY OPINIONS, DISCOVERY, AND SUPPLEMENTAL EXPERT TESTIMONY**

Now comes the Rhode Island Building and Construction Trades Council (“RIBCTC”) and hereby joins Invenergy Development, LLLC (“Invenergy”) in objecting to the Town of Burrillville’s (“Town”) most recent Motion to Dismiss and the Conservation Law Foundation’s (“CLF”) Motion for Supplemental Advisory Opinions, Discovery, and Supplemental Expert testimony for the reasons that Invenergy stated in their Objections as well as for the reasons stated herein. It further urges the State of Rhode Island Energy Facility Siting Board (“EFSB”) to move forward with the hearings on the merits as scheduled as well as utilize Rule of 11 of the Rules of Civil Procedure to curtail any and all unnecessary and redundant motions that clearly have the objective of delaying and/or obstructing these hearings, the due process rights of the applicant, and the employment opportunities of the union members of the RIBCTC.

I. The RIBCTC

As indicated in prior correspondence, the RIBCTC is a voluntary federation of seventeen (17) local trade unions that collectively have approximately 9,500 members. Because so many of the RIBCTC’s would “derive one-hundred percent (100%) of their household income from working on this facility”, and the fact that no other existing party adequately represented the interests of these workers, in January of 2016 the RIBCTC sought and was granted Intervenor status in this proceeding. *See*, RIBCTC 1 at 3, and EFSB Order No. 80. Due to the nature of the full-time commitment these individual union members will make in working on this project they have a unique

interest in seeing that this project is either permitted and licensed or denied in a timely manner. Accordingly, delays from unnecessary and/or redundant motions that are not with any factual or legal basis, uniquely affect them.

II. The Town and CLF's Redundant and/or Unnecessary Motions

According to the posted EFSB docket at http://www.ripuc.org/efsb/2015_SB_6.html , since Invenergy filed its application to construct the Clear River Energy Center Power Plant on October 29, 2015 the Town and CLF have filed numerous redundant and/or unnecessary motions.

a. The Town

The Town filed a Motion to Change Location of Hearings on July 15, 2016, a Motion to Dismiss on September 13, 2016 supplemented on February 3, 2017, a Motion to Postpone the February 6, 2017 Hearing on its own Motion to Dismiss for forty-five (45) days on January 30 2017, a Motion to Seek Advisory Opinions on February 21, 2017, a Motion for Oral Argument on “issues of revised or additional advisory opinions” on March 1, 2017, a Joint Motion with the Town to Modify the Procedural Schedule on May 3, 3017, a second (2nd) Motion to Dismiss on July 13, 2017, a third (3rd) Motion for Dismissal on October 27, 2017 supplemented November 7, 2017, a response joining and supporting CLF's Motion to seek supplemental advisory opinions, discovery, and supplement expert testimony on November 3, 2017, and their subsequent reply joining CLF filed on November 14, 2017.

b. CLF

The CLF filed a Motion to Close the Docket on January 4, 2016, a Motion to Dismiss and Close the Docket on September 19, 2016 supplemented on January 30, 2016, a Motion Regarding Additional Advisory Opinions on February 24, 2017, a Joint Motion with the Town to Modify the Procedural Schedule on May 3, 3017, a Motion supporting the Town's Motion to Dismiss (filed on July 13, 2017) on July 17, 2017, a Motion for Oral Argument on Invenergy's Request for Additional

Hearing in Burrillville on October 23, 2017, and Response to Burrillville's Motion to Dismiss, Motion to seek supplemental advisory opinions, discovery, and supplement expert testimony on November 3, 2017.

III. These Motions are Unnecessarily Delaying the Process

In its Objection to the Town's Motion to Dismiss, Invenergy documents several instances in which both "the Town and CLF's claims [made] are false and mischaracterize and misrepresent the facts." *See*, Invenergy's Objection to the Town's Motion to Dismiss, dated November 6, 2017 at page 2. The RIBCTC has reviewed the submissions by the Town, CLF, and Invenergy and concurs with Invenergy's assessment. In addition, the Town and CLF's motions appear to be duplicative and redundant. In addition, pursuant to the terms and conditions of Order No. 80, on or about August 31, 2017, the RIBCTC filed a motion to provide rebuttal testimony that both the Town and CLF objected to. In their response, the CLF asserted that the RIBCTC's motion was a "trial by ambush" without *providing any factual or legal basis*. This allegation was readily dismissed by the chair of the EFSB at the last hearing.

Clearly, the Town, and particularly the CLF, are doing everything possible "to harass or to cause unnecessary delay or needless increase in the cost" of this administrative hearing process and deny the applicant a hearing on the merits. *See*, R.I. Super. Ct. Rule Civ.Pro. 11. In the process, their actions are also unjustly denying the men and women of the RIBCTC a unique opportunity to work on a project that will provide them and their families with reliable income for an extended period of time. As indicated herein, this is adversely affecting them. The actions of the Town and CLF are also denying the applicant due process as well as putting in jeopardy future affordable energy for these members, and the citizens and businesses our state.

IV. Conclusion

WHEREFORE, for all the reasons set forth above, RIBCTC respectfully prays that the Town's and CLF's Motions be denied for the reasons stated herein and that the hearings on the merits commence according to the current schedule. The RIBCTC further urges that henceforth the EFSB appropriately sanction any party for submitting any filings not in compliance with R.I. Super. Ct. Rule Civ.Pro. 11 so that foregoing occurs and this matter be decided on the merits.

Rhode Island Building and Construction Trades Council,
By its attorneys,
SINAPI LAW ASSOCIATES, LTD.

Dated: November 15, 2017



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CERTIFICATION

I hereby certify that on the **15th day of November, 2017** a copy of the foregoing document was caused to be served upon the individuals on the Board's service list as of this date.


