

inadmissible hearsay. Further Invenergy notes that it will have no opportunity to cross-examine anyone about most of the resolutions. With the exception of Burrillville and the Town of Charlestown, none of the other cities or towns are parties or even moved to intervene in the matter. Invenergy states that expert testimony will be the best evidence that the Board will receive during its evidentiary hearings.

In objecting to Invenergy's motion, Burrillville argues that the resolutions are directly relevant to whether Invenergy can satisfy its burden pursuant to R.I. Gen. Laws § 42-98-11(b)(3). The Town asserts that the resolutions are supported by the extensive expert testimony it has filed with the Board.

In granting Invenergy's motion, the Chairperson found that the resolutions do not rise to the level of full exhibits. She noted that the cities and towns are not parties. She further stated that they are not experts nor were they qualified as experts and the Board was provided with no information purporting that they had expertise on the issues in the resolutions to be evaluated by the Board. She noted that although they will not be admitted as full exhibits, the Board will still consider them as it does with all public comment. Additionally, she noted that the resolutions failed to present evidence tending to prove or disprove the specific findings the Board is required to make.

Accordingly, it is hereby

(119) ORDERED:

Invenergy Thermal Development LLC's Motion to Treat the Town of Burrillville Exhibits Nos. 20, 21, and 22 as Public Comment and not as Full Exhibits is granted.

EFFECTIVE AT WARWICK, RHODE ISLAND, OCTOBER 17, 2017. WRITTEN ORDER
ISSUED JANUARY 8, 2018.

ENERGY FACILITY SITING BOARD



Margaret E. Curran

Margaret E. Curran, Chairperson

Janet Coit, Member

Parag Agrawal, Member