

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

**IN RE:            INVENERGY THERMAL DEVELOPMENT LLC        :**  
**APPLICATION TO CONSTRUCT AND                :**  
**OPERATE THE CLEAR RIVER ENERGY                :**        **SB-2015-06**  
**CENTER, BURRILLVILLE, RHODE ISLAND                :**  
**TOWN OF CHARLESTOWN'S                                        :**  
**MOTION TO INTERVENE    :**

**ORDER**

This matter came before the Energy Facility Siting Board (Board or EFSB) on a Motion to Intervene filed by the Town of Charlestown (Charlestown). Charlestown asserts that Invenergy Thermal Development LLC's (Invenergy) contract for water with the Narragansett Indian Tribe (NIT) creates the potential of a material and adverse impact on Charlestown's water supply. Charlestown argues that its interests are directly affected, cannot be adequately represented by another party, and that it has a right to intervene pursuant to Rule 1.10(b)(2) of the EFSB Rules of Practice and Procedure (Rules). In support of its motion, Charlestown asserts that the proposed withdrawal of water from the Lower Wood River Aquifer may exacerbate existing water supply issues in Charlestown and materially impair its residents, businesses, and institutions, all of whom need the water for public consumption as well as fire suppression. Additionally, Charlestown asserts that, pursuant to Rule 1.10(b)(3), its intervention is in the public interest because the proposed withdrawal directly impacts the public health, safety, and welfare of its residents. Both the Town of Burrillville and Conservation Law Foundation (CLF) supported Charlestown's motion.

Invenergy objected to Charlestown's motion, asserting that Charlestown is not directly affected by the siting of the Clear River Energy Center because: (1) its withdrawal of water will be from the NIT's settlement land, adjacent to Charlestown; and (2) the retrieval of water from the NIT's settlement land is only for an additional contingent/redundant supply source. Invenergy asserts that, at most, Charlestown has an indirect interest which is insufficient to satisfy the requirements of Rule 1.10(b)(2). Invenergy also argues that Charlestown's interest in the Lower Wood River Aquifer is not of such a nature that its participation in the proceeding is in the public interest. Further, Invenergy argues that Charlestown's claim that it is intervening to better understand the impact of the agreement with the NIT and its effect on its residents is not a reason for allowing intervention under the Rules.

After consideration and in an abundance of caution, the Board found that Charlestown is directly affected by Invenergy's supplemental water supply agreement with the NIT and that its interests are not adequately represented by any other party. The Board voted unanimously to grant the motion and to allow Charlestown's limited intervention related to the supplemental water supply.

Accordingly, it is hereby

( 120 ) ORDERED:

The Town of Charlestown's Motion to Intervene in the proceedings in this docket is granted for the limited purpose related to the Supplemental Water Supply Plan.

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



ENERGY FACILITY SITING BOARD

*Margaret E. Curran*

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Margaret E. Curran, Chairperson

*Janet Coit*

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Janet Coit, Member

*Parag Agrawal*

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Parag Agrawal, Member