

January 24, 2018

**Via Federal Express/Electronic Mail**

Todd Anthony Bianco, PhD, EFSB Coordinator  
RI Energy Facilities Siting Board  
89 Jefferson Blvd.  
Warwick, RI 02888

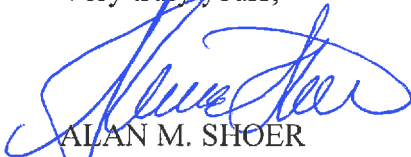
**Re: *Invenergy Docket No. SB-2015-06***

Dear Dr. Bianco:

On behalf of Invenergy Thermal Development LLC and the Clear River Energy Center Project (“Invenergy”), I write to inform the Rhode Island Energy Facility Siting Board (“the Board”) that on January 23, 2018, Clear River Energy LLC filed a Withdrawal of its November 17, 2017 complaint in Docket No. EL18-31-000 with the Federal Energy Regulatory Commission. Enclosed please find an original and three (3) copies of the following documentation evidencing the Withdrawal:

- (1) Withdrawal of Complaint, dated January 23, 2018; and
- (2) January 23, 2018 Complaint Withdrawal Submission Receipt.

Very truly yours,

  
ALAN M. SHOER  
[ashoer@apslaw.com](mailto:ashoer@apslaw.com)

Enclosures

cc: Service List

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

Clear River Energy LLC,	)	
Complainant,	)	
	)	
v.	)	Docket No. EL18-31-000
	)	
ISO New England Inc., New England	)	
Power Company d/b/a National Grid and	)	
the New England Participating	)	
Transmission Owners,	)	
Respondents.	)	

**WITHDRAWAL OF COMPLAINT**

Pursuant to Rule 216 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure,<sup>1</sup> Clear River Energy LLC (“Clear River”) hereby withdraws its November 17, 2017 complaint (the “Complaint”) in the above-captioned matter.<sup>2</sup> In its Complaint, Clear River requested that the Commission order ISO New England Inc. (“ISO-NE”) to eliminate from its Tariff those provisions that permitted the direct assignment to interconnection customers of network upgrade-related O&M Costs.<sup>3</sup> Clear River continues to believe that such assignment is demonstrably unjust and unreasonable, and that none of the responses to the Complaint have shown otherwise. Furthermore, Clear River believes it has shown that, given the nature of the relevant upgrades (which consist almost entirely of replacing

---

<sup>1</sup> 18 C.F.R. § 385.216. Pursuant to Rule 216(b), withdrawals of pleadings are effective at the end of fifteen days from the date of the filing of a notice of withdrawal if no motion in opposition to such withdrawal is filed within that period and the decisional authority has not disallowed the withdrawal.

<sup>2</sup> *Clear River Energy Center LLC v. ISO New England Inc., et al.*, “Complaint of Clear River Energy Center LLC,” Docket No. EL18-31-000, (Nov. 17, 2017). See Errata submitted on January 16, 2018 correcting the name of the complainant to Clear River Energy LLC.

<sup>3</sup> Capitalized terms herein have the same meaning as set forth in the Complaint.

or relocating existing network facilities), there very likely would be no monetary impact on Rhode Island ratepayers whatsoever. Nevertheless, the relief sought by Clear River has proven contentious in the Rhode Island Energy Facility Siting Board (“EFSB”) proceeding regarding Clear River’s application for the permits necessary for the Project to be constructed.

Accordingly, in order to remove this issue from being considered in any way in the EFSB proceeding – and to eliminate even the false perception of negative ratepayer impact – Clear River is submitting this notice of withdrawal of the Complaint.

Clear River is prepared to demonstrate to the EFSB that certain assertions by opponents of the Project have misrepresented the facts regarding purported ratepayer impacts were the Commission to grant the relief requested in the Complaint. For example, opponents have falsely asserted that Clear River seeks to “transfer hundreds of millions of dollars of interconnection expenses to ratepayers.” These assertions have apparently been lodged solely in order to foment false concerns. In fact, though, the relief sought in the Complaint could *reduce* consumer rates over the long term, as will the Project itself once operational.

Lest there be any doubt, Clear River remains fully committed to moving forward with permitting and to constructing the Project with all deliberate speed. Indeed, on January 22, 2018, in connection with its ISO-NE Capacity Supply Obligation, Clear River posted additional financial assurance of \$4.3 million in furtherance of this commitment.

Clear River is very mindful and respectful of the Commission’s many responsibilities. Accordingly, Clear River would like to assure the Commission that it submitted its Complaint in good faith, believing then, as it continues to believe now, that the issues raised therein present an important issue warranting the Commission’s action; that Clear River was entitled to the relief

sought in the Complaint; and that, but for the collateral considerations described above, Clear River would not now be seeking to end this proceeding.

Respectfully submitted,

/s/ Larry F. Eisenstat

Larry F. Eisenstat

Diana Jeschke

Crowell & Moring LLP

1001 Pennsylvania Avenue, NW

Washington, DC 20004

202-624-2500

leisenstat@crowell.com

Patricia Alexander  
Senior Policy Advisor  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004  
202-624-2788  
palexander@crowell.com

January 23, 2018

*Counsel for Clear River Energy LLC*

## CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2018, a copy of the foregoing document has been electronically served upon each person designated on the official service list in this proceeding.

/s/ Diana Jeschke

Diana Jeschke

Crowell & Moring LLP

1001 Pennsylvania Avenue, NW

Washington, DC 20004

djeschke@crowell.com

Submission ID 843218

Submission Description Withdrawal of Complaint of Clear River Energy LLC under EL18-31-000.

Submission Date 1/23/2018 3:00:24 PM

Filed Date 1/23/2018 3:00:24 PM

Current Status Pending

Dockets

Docket	Description	Applicant/Filer
EL18-31-000	Complaint	Clear River Energy Center LLC v. ISO New England Inc., New England Power Company and the New England Participating Transmission Owners

Files

Security Level	Filename
Public	2018 0123 Clear River Withdrawal in EL18-31.pdf

Filing Party/Contacts

Filing Party	Signer (Representative)	Other Contacts (Principal)
Clear River Energy LLC	leisenstat@crowell.com	palexander@crowell.com
Clear River Energy LLC		djeschke@crowell.com