

The Town filed a Supplemental Memorandum asserting that Invenergy had also failed to timely disclose that it had been disqualified from the ISO-NE Forward Capacity Auction 12 (FCA-12) thereby preventing other parties and the Board from properly assessing the impacts of the disqualification as it relates to the issue of need. The Town also accused Invenergy of withholding information that it was funding public relations work being done on behalf of a group supporting the project.

Invenergy objected to the allegations in the Town's Supplemental Memorandum. It asserted that it did notify the Board and parties in a timely fashion of the disqualification of Turbine Two from FCA-12. Invenergy further argued that its financial contributions to an advocacy group do not constitute "community outreach." As such, it contended, no disclosure was required. Invenergy noted as well that the supporting group's website identifies as Invenergy as its financial contributor.

The Town additionally filed a response to Invenergy's objection to the Town's Supplemental Memorandum. The Town reasserted the arguments it made in its motion and further claimed that Invenergy's behavior in withholding and concealing information was disrespectful to the Board and the parties. At the hearing on the motion, the Town also requested that the Board order Invenergy to provide status reports on various outstanding delays.

In voting to deny the Town's motion, the Board found that the allegations asserted do not justify a dismissal. The Board stated that it would be contrary to its statutory charge to decide this matter before the applicant was given the opportunity to present its case at a full evidentiary hearing. Just as the applicant has a right to present its case, the other parties have the right to rebut and argue against it. The Board found it unnecessary to require status reports, noting that the information that would be provided in those reports can be presented at the final hearings.

Accordingly, it is hereby

(126) ORDERED:

The Town of Burrillville's Motion for Dismissal or Denial of Invenergy's Application for Failure to Comply With an Order of the EFSB and the EFSB Rules is denied.

EFFECTIVE AT WARWICK, RHODE ISLAND, NOVEMBER 27, 2017. WRITTEN ORDER
ISSUED FEBRUARY 1, 2018.

ENERGY FACILITY SITING BOARD



Margaret E. Curran, Chairperson



Janet Coit, Member

Parag Agrawal, Member*

*Member Agrawal did not participate in this decision.

