

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

IN RE:

THE NARRAGANSETT ELECTRIC	:	
COMPANY d/b/a NATIONAL GRID	:	
AND CLEAR RIVER ENERGY LLC	:	SB-2017-01
(BURRILLVILLE INTERCONNECTION	:	
PROJECT)	:	

**NATIONAL GRID’S RESPONSE TO THE REVISED
SECOND SET OF DATA REQUESTS OF TOWN OF BURRILLVILLE**

REQUEST NO. DR 2(a)-1: On January 23, 2018, Clear River Energy LLC (“Clear River”) filed a Withdrawal of Complaint (“Withdrawal”) in FERC Docket EL18-31-000.

The Withdrawal specifically references the “Rhode Island Energy Facility Siting Board (“EFSB”) proceeding” and states that “in order to remove this issue from being considered in any way in the EFSB proceeding [...] Clear River is submitting this notice of withdrawal of the Complaint.” *Clear River Withdrawal*, at 2.

Clear River’s Withdrawal does not seek dismissal of FERC Docket No. EL18-31-000 with prejudice. What, if anything, prevents Clear River and/or Invenergy from refileing a similar complaint in the future (for example, after the proceedings before the RI EFSB are concluded)?

RESPONSE:

National Grid does not believe there is anything to prevent Clear River and/or Invenergy from refileing a similar complaint in the future.

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**NATIONAL GRID’S RESPONSE TO THE REVISED
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REQUEST NO. DR 2(a)-2: Does National Grid agree that FERC Docket ER18-349-000 remains open? If not, why not?

RESPONSE:

Clear River’s withdrawal of its complaint in FERC Docket No. EL 18-31 did not affect the status of FERC Docket No. ER18-349. In that docket, the FERC issued its order accepting the unexecuted Large Generator Interconnection Agreement that National Grid and ISO-NE filed on January 26, 2018.¹

¹ See *ISO New England Inc.*, 162 FERC ¶ 61,058 (2018).

Response prepared by or under the supervision of
Kevin C. Reardon

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**NATIONAL GRID’S RESPONSE TO THE REVISED
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REQUEST NO. DR 2(a)-3: Does National Grid agree that each of the following issues remains unresolved before FERC? If not, why not?

- a. Whether FERC will direct ISO-NE to revise the Large Generator Interconnection Agreement (“LGIA”) milestone date by which the notice to proceed must be issued and related security posted;

RESPONSE:

In its order dated January 26, 2018, the FERC accepted the unexecuted Large Generator Interconnection Agreement (“LGIA”) among ISO-NE, National Grid, and Clear River Energy LLC (“Clear River”) (the “Clear River LGIA”), and the milestone dates enumerated therein, effective January 29, 2018.¹ The Commission held that the Clear River LGIA conforms to ISO-NE’s pro forma LGIA, is just and reasonable, and that both ISO-NE and National Grid complied with the ISO-NE Open Access Transmission Tariff with regard to the Clear River LGIA.²

¹ See *ISO New England Inc.*, 162 FERC ¶ 61,058 at P 1 (2018).

² See *Id.* at P 11.

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REQUEST NO. DR 2(a)-3: Does National Grid agree that each of the following issues remains unresolved before FERC? If not, why not?

- b. Whether FERC will direct National Grid to permit Clear River to exercise its option to build certain transmission owner interconnection facilities identified in the LGIA.

RESPONSE:

In its order dated January 26, 2018, the FERC held that Clear River’s arguments for its right to exercise an option to build certain transmission owner interconnection facilities lacked merit, and the FERC agreed with National Grid and ISO-NE that under the terms of Article 5.1.3 of the Clear River LGIA, which conforms to FERC’s pro forma LGIA, Clear River is not permitted to exercise an option to build the Interconnecting Transmission Owner’s Interconnection Facilities.¹

¹ See *ISO New England Inc.*, 162 FERC ¶ 61,058 at P 38 (2018).

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REQUEST NO. DR 2(a)-3: Does National Grid agree that each of the following issues remains unresolved before FERC? If not, why not?

- c. Whether FERC will direct ISO-NE to reevaluate whether the upgrades identified in the LGIA and predicated on Clear River's initially planned 2019 commercial operation date will still be necessary in light of Clear River's new commercial operation of 2021.

RESPONSE:

See ISO New England Inc., 162 FERC ¶ 61,058 at PP 51, 62, and 63 (2018).

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PROJECT)	:	

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REQUEST NO. DR 2(a)-3: Does National Grid agree that each of the following issues remains unresolved before FERC? If not, why not?

- d. Whether FERC will confirm that Clear River should be responsible for paying only for those facilities necessary to interconnect the Project and not for any unnecessary equipment.

RESPONSE:

See ISO New England Inc., 162 FERC ¶ 61,058 at PP 55, 62, and 63 (2018).

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REQUEST NO. DR 2(a)-3: Does National Grid agree that each of the following issues remains unresolved before FERC? If not, why not?

- e. Whether FERC will direct ISO-NE and National Grid to demonstrate that they considered whether there were more cost-effective upgrade options to address the impacts of interconnecting the Clear River Energy Center Project.

RESPONSE:

See ISO New England Inc., 162 FERC ¶ 61,058 at PP 51, 62, and 63 (2018).

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REQUEST NO. DR 2(a)-3: Does National Grid agree that each of the following issues remains unresolved before FERC? If not, why not?

- f. Whether FERC will intercede in the dispute between National Grid and Clear River regarding Clear River's access to, and payment for, the use of National Grid's right-of-way.

RESPONSE:

FERC did not accept Clear River's assertions regarding their entitlement to the Company's ROW, or the existence of a ROW agreement. *See ISO New England Inc.*, 162 FERC ¶ 61,058 (2018).

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**NATIONAL GRID’S RESPONSE TO THE REVISED
SECOND SET OF DATA REQUESTS OF TOWN OF BURRILLVILLE**

REQUEST NO. DR 2(a)-4: Please provide a detailed statement as to the status of each of the following issues pending before FERC in Docket ER18-349-000:

- a. Whether FERC will direct ISO-NE to revise the Large Generator Interconnection Agreement (“LGIA”) milestone date by which the notice to proceed must be issued and related security posted.

RESPONSE:

See the Company’s response to Request No. DR 2(a)-3(a).

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REQUEST NO. DR 2(a)-4: Please provide a detailed statement as to the status of each of the following issues pending before FERC in Docket ER18-349-000:

- b. Whether FERC will direct National Grid to permit Clear River to exercise its option to build certain transmission owner interconnection facilities identified in the LGIA.

RESPONSE:

See the Company's response to Request No. DR 2(a)-3(b).

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REQUEST NO. DR 2(a)-4: Please provide a detailed statement as to the status of each of the following issues pending before FERC in Docket ER18-349-000:

- c. Whether FERC will direct ISO-NE to reevaluate whether the upgrades identified in the LGIA and predicated on Clear River's initially planned 2019 commercial operation date will still be necessary in light of Clear River's new commercial operation of 2021

RESPONSE:

See the Company's response to Request No. DR 2(a)-3(c).

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REQUEST NO. DR 2(a)-4: Please provide a detailed statement as to the status of each of the following issues pending before FERC in Docket ER18-349-000:

- d. Whether FERC will confirm that Clear River should be responsible for paying only for those facilities necessary to interconnect the Project and not for any unnecessary equipment.

RESPONSE:

See the Company’s response to Request No. DR 2(a)-3(d).

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REQUEST NO. DR 2(a)-4: Please provide a detailed statement as to the status of each of the following issues pending before FERC in Docket ER18-349-000:

- e. Whether FERC will direct ISO-NE and National Grid to demonstrate that they considered whether there were more cost-effective upgrade options to address the impacts of interconnecting the Clear River Energy Center Project.

RESPONSE:

See the Company’s response to Request No. DR 2(a)-3(e).

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REQUEST NO. DR 2(a)-4: Please provide a detailed statement as to the status of each of the following issues pending before FERC in Docket ER18-349-000:

- f. Whether FERC will intercede in the dispute between National Grid and Clear River regarding Clear River's access to, and payment for, the use of National Grid's right- of-way.

RESPONSE:

See the Company's response to Request No. DR 2(a)-3(f).

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