

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: The Narragansett Electric Company Notice of
Intent to Relocate Transmission Lines in Providence
and East Providence (E-183 115kV Transmission Line
Relocation Project – A/C I-195 Relocation)

Docket No. SB-2003-01

**OBJECTION OF THE CITY OF PROVIDENCE
TO JOINT MOTION OF NATIONAL GRID AND THE
CITY OF EAST PROVIDENCE TO ESTABLISH
AN ALTERNATIVE OVERHEAD ALIGNMENT**

NOW COMES the City of Providence and respectfully objects to the Joint Motion filed
by National Grid and the City of East Providence to establish an alternative overhead alignment,
the Bridge Alignment South, for the crossing of the Seekonk River.

In support of this objection, the City submits the attached Memorandum.

Respectfully submitted,

THE CITY OF PROVIDENCE



Adrienne G. Southgate (#3363)
Deputy City Solicitor
444 Westminster Street, Suite 220
Providence, RI 02903
Tel.: (401) 680-5331
E-mail: asouthgate@providenceri.gov

Dated: October 28, 2016

CERTIFICATE OF SERVICE

I hereby certified that on this 28th day of October, 2016, I filed and served this document and the attached memorandum through the e-mail to the following parties:

Name/Address	E-mail	Phone/FAX
Peter V. Lacouture, Esq. Robinson & Cole LLP One Financial Plaza Suite 1430 Providence, RI 02903-2485	placouture@rc.com	401-709-3314 401-709-3399
National Grid	jennifer.hutchinson@nationalgrid.com	
National Grid	celia.obrien@nationalgrid.com	
Department of Attorney General 150 South Main Street Providence, RI 02903	LWold@riag.ri.gov	401-222-2424 ext. 2218 401-222-3016
	klyons@riag.ri.gov	
	Jmunoz@riag.ri.gov	
	dmacrae@riag.ri.gov	
Division of Public Utilities & Carriers	Thomas.kogut@dpuc.ri.gov	
	Jon.hagopian@dpuc.ri.gov	
	Steve.scialabba@dpuc.ri.gov	
	joseph.shilling@dpuc.ri.gov	
Janet Coit, Director Dept. of Environmental Management 235 Promenade Street Providence, RI 02908	janet.coit@dem.ri.gov	401-222-4700 ext. 2409
	Rayna.maguire@dem.ri.gov	
Kevin Flynn, Associate Director for Division of Planning Department of Administration One Capitol Hill, 3 rd Floor Providence, RI 02903	kevin.flynn@doa.ri.gov	401-222-6496
Adrienne G. Southgate, Deputy City Solicitor City of Providence Department of Law 275 Westminster Street Providence, RI 02903	asouthgate@providenceri.gov	
RI Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	Cynthia.WilsonFrias@puc.ri.gov	
	alan.nault@puc.ri.gov	
John J. Spirito, Esq. (e-mail only) Division of Public Utilities and Carriers	jspirito@dpuc.ri.gov	401-780-2152

Timothy J. Chapman, City Solicitor City of East Providence 145 Taunton Avenue East Providence, RI 02914-4505	tchapman@cityofeastprov.com	
Mark W. Russo, Esq. Ferrucci Russo P.C. 55 Pine Street, 4th Floor Providence, RI 02903	mrusso@frlawri.com	401-455-1000 401-455-7778
	wsmith@frlawri.com	
	jboyle@cityofeastprov.com	
Terence Tierney (e-mail only)	tierneylaw@yahoo.com	
Seth H. Handy, Esq.	seth@handylawllc.com	
David Riley, Friends of India Pt. Park	davidpriley@aol.com	401-521-7929
Amar Singh	amar@indiarestaurant.com	
Nick Ucci, OER	Nicholas.Ucci@energy.ri.gov	
File an original and 7 copies w/: Todd Bianco, Coordinator Energy Facility Siting Board 89 Jefferson Boulevard Warwick, RI 02888	Todd.bianco@puc.ri.gov	401-780-2106
	Margaret.curran@puc.ri.gov	
	patricia.lucarelli@puc.ri.gov	
	Kathleen.mignanelli@puc.ri.gov	

Crystal J. Holt

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: The Narragansett Electric Company Notice of Intent to Relocate Transmission Lines in Providence and East Providence (E-183 115kV Transmission Line Relocation Project – A/C I-195 Relocation)

Docket No. SB-2003-01

**MEMORANDUM IN SUPPORT OF PROVIDENCE'S OBJECTION
TO JOINT MOTION OF NATIONAL GRID AND THE
CITY OF EAST PROVIDENCE TO ESTABLISH
AN ALTERNATIVE OVERHEAD ALIGNMENT**

The City of Providence ("Providence") submits the within brief Memorandum in support of its objection to the Joint Motion filed by National Grid and the City of East Providence to establish an alternative overhead alignment, the Bridge Alignment South, for the crossing of the Seekonk River.

As the moving parties concede, the alignment of the E-183 line has been the subject of proceedings at both the Public Utilities Commission and the Energy Facility Siting Board for nearly fifteen years. The Settlement Agreement dates to 2004. Nothing useful would be gained by recounting the tortured history of negotiations and hearings which have taken place since that document was executed.

Providence has consistently taken the position, exemplified through the actions of its City Council and by the support of three successive administrations, that the underground alignment can be achieved at a cost which is not unreasonable, given the aesthetic and ancillary benefits which would flow from the removal of the overhead transmission towers and wires. It is true that there are challenges, and even a risk of failure, presented by the horizontal directional

drilling (“HDD”) which would be required to cross the two rivers. But simply throwing in the towel at this juncture, without a public review of the South Bridge Alignment and a thorough analysis by the Rhode Island Department of Transportation (“RIDOT”) of one pragmatic alternative¹ (utilizing one or both of the existing bridges to avoid the potential for insuperable HDD obstacles), would bring an abrupt, unsatisfactory, and arbitrary and capricious conclusion to more than a decade of advocacy from elected officials, community groups, and members of the public. See, e.g., R.I. Gen. Laws § 42-35-15(g). Surely these constituents are entitled, at a minimum, to a hearing. See id.

¹ Indeed, the Friends of India Point Park submitted a memorandum on October 20, 2016 to Robin Muksian, Providence’s Director of Administration, attached hereto as **Exhibit A**, in which they argued that granting the instant motion would:

[a]bsolve National Grid of its failure to do due diligence on the bridge route, which would likely substantially reduce the project’s cost to RI ratepayers. The Public Utilities Commission’s attached 2004 Advisory Opinion summarized the testimony of National Grid (then Narragansett Electric) engineer Dave Campilii, stating that Campilii “maintained that there really is no design for the bridge route and the estimates are very preliminary” (PUC Opinion, p. 38).

The PUC Opinion concluded that “It is not clear whether the bridge crossing route is technically feasible” (p. 61, underlining added), after RI Department of Transportation (RIDOT) chief engineer Ed Parker testified that “the Providence River Bridge could potentially accommodate the electric line” and “we would have to investigate whether the connections could be made to the bridge” (p. 5 of Parker’s testimony).

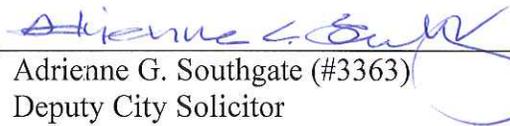
Despite these statements indicating that more information is needed, National Grid attorney Peter Lacouture wrote to RIDOT Director Alвити on 10/14/16 that “National Grid believes that the issue was fully considered in 2004 and there is no need to reconsider the determination that the bridges were not (and are not) suitable for the underground transmission cables.” Lacouture enclosed the attached 12-year-old one-page list of seven issues to address.

National Grid has never seriously evaluated the bridge route option or conducted the due diligence on it which the Cities and State deserve. For a decision that will shape our waterfront for the next century, National Grid’s attempt to declare “case closed” on the bridge route represents bad faith.

Providence has attempted to obtain clarification from RIDOT Director Peter Alviti as to the viability of using one or both of the bridges. It appears that his department has been unable to devote any time to reviewing the matter in the past fifteen months. During recent meetings with National Grid's engineers, somewhat conclusory statements alluding to problems with geometry and loading have been proffered as reasons for discarding the prospect of having the transmission lines share the bridges. Providence believes that, prior to holding a hearing on the South Bridge Alignment, it is necessary to request an engineering review and feasibility study, in conjunction with RIDOT, to be paid for through funds already collected and dedicated to the E-183 project. This relatively short delay in ascertaining the viability of an alternative option with significant aesthetic and ancillary benefits to residents of the City of Providence, can hardly be considered an impediment to the swift completion of a project which has languished for so long already.

Respectfully submitted,

THE CITY OF PROVIDENCE



Adrienne G. Southgate (#3363)
Deputy City Solicitor
444 Westminster Street, Suite 220
Providence, RI 02903
Tel.: (401) 680-5331
E-mail: asouthgate@providenceri.gov

Dated: October 28, 2016

EXHIBIT A

MEMO

10/20/16

To: Robin Muksian, Mayor Elorza's Director of Administration and COO

From: David Riley, Co-chair, Friends of India Point Park

Re: Ideas for objecting to National Grid/East Providence motion for overhead re-alignment of the waterfront power lines

We object to the motion because it would:

1. Saddle the Capital Region's signature waterfront with overhead power lines for the next 100 years, given the fact that some of the existing towers that this motion would replace date to 1918.

2. Deprive Providence and East Providence of the opportunity to transform this area from being the remnant of an industrial backwater into an attractive waterfront destination, which would encourage tourism, promote economic development, and enhance the scenic, popular public parks at the head of Narragansett Bay. Other mid-size cities like Louisville, Chattanooga, and San Antonio have successfully transformed their public waterfronts after burying power lines.

3. Preclude the possibility of using the bridges over the Providence and Seekonk Rivers to hide the wires, as an alternative to burying them under the rivers. This motion acknowledges that drilling under the rivers "could result in significantly increased project costs."

4. Absolve National Grid of its failure to do due diligence on the bridge route, which would likely substantially reduce the project's cost to RI ratepayers. The Public Utilities Commission's attached 2004 Advisory Opinion summarized the testimony of National Grid (then Narragansett Electric) engineer Dave Campilii, stating that Campilii "maintained that there really is no design for the bridge route and the estimates are very preliminary" (PUC Opinion, p. 38).

The PUC Opinion concluded that "It is not clear whether the bridge crossing route is technically feasible" (p. 61, underlining added), after RI Department of Transportation (RIDOT) chief engineer Ed Parker testified that "the Providence River Bridge could potentially accommodate the electric line" and "we would have to investigate whether the connections could be made to the bridge" (p. 5 of Parker's testimony).

Despite these statements indicating that more information is needed, National Grid attorney Peter Lacouture wrote to RIDOT Director Alviti on 10/14/16 that "National Grid believes that the issue was fully considered in 2004 and there is no need to reconsider the determination that the bridges were not (and are not) suitable for the underground transmission cables." Lacouture enclosed the attached 12-year-old one-page list of seven issues to address.

National Grid has never seriously evaluated the bridge route option or conducted the due diligence on it which the Cities and State deserve. For a decision that will shape our waterfront for the next century, National Grid's attempt to declare "case closed" on the bridge route represents bad faith.

We object to the motion because it would:

5. Absolve National Grid of its failure to do due diligence on the environmental and socio-economic impacts of leaving the power lines overhead. State law explicitly mandates that these impacts be addressed. National Grid has ignored them for more than a decade, before listing some in its motion filed this month. The law requires that energy facilities:

- “be produced at the least possible cost to the consumer consistent with...the fewest possible adverse effects on the quality of the state’s environment; most particularly, its land...and its esthetic and recreational value to the public” (RIGL 42-98-2 (3)).
- “will not cause unacceptable harm to the environment and will enhance the socio-economic fabric of the state” (RIGL 42-98-11 (b) (3)).

Although the parent company, National Grid/UK, emphasizes the importance of environmental considerations in siting power lines in the attached 2012 booklet (see p. 19 summary), National Grid’s subsidiary operating in RI has done no due diligence on the long-term environmental and socio-economic impact of removing the wires in relation to economic development, including the I-195 parcels on the Providence waterfront, and enhancing public uses of four waterfront parks (India Point, Bold Point, the linear park over the Seekonk, and Corliss Landing).

National Grid’s list of environmental and socio-economic benefits in its motion – removing the wires from the India Point Park soccer field and the lattice towers from the Seekonk River bank, and freeing up easements for possible future development in East Providence – pales in comparison to the benefits that would result for both Cities and the State from ridding our gateway waterfront of overhead lines through full burial or using the bridges and burial on the land in between.

The company’s reference in its motion to preserving the Singh property for development is highly misleading and borders on the ridiculous, because Mr. Singh has repeatedly told National Grid that he is amenable to granting an easement, which would allow him to develop his property.

6. Disregard the Advisory Opinions of state and local agencies (as well as statements from 40 political and civic leaders and organizations), which support burial, and repeatedly emphasize the environmental and economic benefits of removing the overhead waterfront wires (see attached page of quotes). For example:

“Overhead power lines crossing India Point Park and Bold Point Park diminish the Park experience and subsequently the recreational and aesthetic value of the Park.”

-- RI Department of Environmental Management

“Burial of the power lines is most consistent with good planning practices.”

-- RI Statewide Planning Program

“The Providence City Plan Commission strongly supports the burial of the power lines in India Point Park as an opportunity to significantly improve the City’s waterfront, and feels that the relocation of the aboveground wires will have a lasting, negative effect....”

-- Providence City Plan Commission

“The power lines are an eyesore....Burying them will create a more attractive waterfront for future high-quality development, as well as for current residents.”

-- East Providence Waterfront District Commission

"The overhead power lines are a vestige from another waterfront era. They are a visual and psychological deterrent to the future enjoyment of the [India Point] park and to the re-development of the Fox Point waterfront area.

-- Providence Parks Department Superintendent Nancy Derrig

Memo on Grid/EP motion

page 3

We object to the motion because it would:

7. Overlook the inconsistencies in National Grid's support for statewide ratepayer funding for some power lines projects, but not others. In 1994, National Grid (then Narragansett Electric) supported the state's ratepayers paying an extra \$6 million to move power lines farther away from 37 homes on Cindy Anne Drive in East Greenwich because of concerns about property values and exposure to electro-magnetic fields.

The company also supported statewide ratepayers paying for burying power lines that Fidelity executives didn't want outside their offices in Smithfield, yet National Grid has resisted for more than a decade burying power lines in waterfront parks that more than 200,000 people enjoy every year, a project supported by 2,100 petition signers and a long list of political and civic leaders and groups.

8. Allow National Grid to succeed in stopping the burial of the waterfront power lines, contrary to the clear purpose of state law, which declared that National Grid "shall be authorized to proceed" with burying the waterfront wires, "including the acquisition of any property rights needed to implement the underground alignment" (RIGL 42-98-1.1).

Instead of proceeding to bury the lines, National Grid has repeatedly failed to take the initiative on the project, delayed and obstructed the project at ratepayers' expense, and finally resorted to the classic divide and conquer tactic of pitting Providence and East Providence against each other, hoping that its motion providing some benefit for East Providence and hardly any for Providence would be approved by the Energy Facility Siting Board.

If National Grid truly cared about the future of Rhode Island, it would have long ago adopted the broader perspective of investor-owned utilities in other states that have worked for many decades with public officials to bury strategically located power lines by spreading the cost across a large base of ratepayers (see attached fact sheet).

For example, California's criteria for regional funding of burial projects – that they be in "a civic area or public recreation area or an area of unusual scenic interest to the general public" – would fit the Providence/East Providence waterfront burial project to a t.

In conclusion, for the above reasons among others, we urge the Energy Facility Siting Board to use its clear authority over siting decisions in RIGL 42-98-7 (c) and 42-98-12 (c) to do the following:

1. Rescind its approval of the 2004 Settlement Agreement, which has not been carried out by the Parties.

2. Order a feasibility study and cost estimate of the bridge route, which could be funded by using some of the more than \$3 million in interest on the refund that paid for the full burial study.

3. Order full burial or burial including the bridge route for the waterfront power lines, to be financed by using the \$18 million raised for burial and/or any adjustment in rates to be decided by the PUC.