State of Rhode Island and Providence Plantations

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Patrick C. Lynch, Attorney General

February 9, 2007

Ms. Luly Massaro
Commission Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Rules And Regulations Governing The Implementation Of A Renewable Energy Standard – Docket 3798

Dear Ms. Massaro:

The Commission recently asked for comments in response to several questions. This letter shall constitute the response of the Division of Public Utilities and Carriers.

1. *With respect to revised section 6.8(iii)(e):*
   a) *Should it be the responsibility of the aggregation owner or the Verifier to "ensure that individual units in the aggregation comply with all eligibility requirements"?*

ANSWER: It should be the responsibility of the aggregation owner.

   b) *Should it be the responsibility of the aggregation owner or the Verifier to ensure that "the NEPOOL GIS Certificates created accurately represent generation"?*

ANSWER: It should be the responsibility of the aggregation owner.

   c) *Under i), should the Verifier in all cases be the entity required to make an independent determination that the Generation Unit exists?*

ANSWER: Yes. Independent verification that a Generation Unit actually exists – and that the aggregation owner is properly reporting its participation – would certainly seem to be a fundamental requirement for any meaningful verification process.

d) *Under v), for "a procedure for the Verifier to report to the Commission on the results of their verification process", should the Commission specify required details regarding frequency, form or content?*

ANSWER: The Division believes that the Commission is in the best position to determine which details the Commission needs to have the Verifier report to it, and certainly the Commission has the authority to require that it be provided those details.

2. *With respect to new section 6.8(iii)(g):*
   a) *Should the Verifier be required to enter production data into the GIS independently for each generator within the aggregation, or just in aggregate?*

ANSWER: The Verifier should be required to enter production data in the GIS independently for each generator within the aggregation.

b) *Should the amount of production entered into the NEPOOL GIS [be] by the quantity of energy produced since the last entry, or a cumulative meter reading (which would entail the GIS system calculating the differences between the current and last entry)?*

ANSWER: We believe that the data should either be entered by cumulative meter reading (which would allow better oversight by the NEPOOL GIS and others) or that both the cumulative meter reading and the quantity of energy produced since the last reading should be entered (which would save some work for NEPOOL GIS).

During the course of the hearing earlier today, Commissioner Holbrook asked whether the terms "Verifier" and "Aggregation Owner" should be added to the list of definitions set out in section 3.0 of the Rules. We believe that is a prudent suggestion, and note that functional definitions of these terms are set out in sections 6.8(i) and 6.8(ii) of the Rules. We suggest that the Commission draw formal definitions of these two terms (and, perhaps, "Aggregation" as well) from these sections and add them to Section 3.0 of the Rules.

Sincerely,

William K. Lueker
Special Assistant Attorney General
Counsel for the Division of Public Utilities and Carriers, Docket 3798

cc: Docket 3798 service list