



State of Rhode Island and Providence Plantations

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November 7, 2007

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

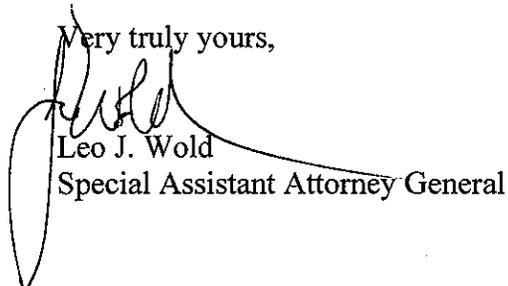
Re: Docket No. 3876

Dear Ms. Massaro,

Enclosed for filing with the Commission please find an original and nine (9) copies of the Division's Objection to National Grid's Comments.

Thank you for your attention to this matter.

Very truly yours,



Leo J. Wold
Special Assistant Attorney General

cc: Service List (e-mail only)

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE: RULES AND REGULATIONS GOVERNING :
THE TERMINATION OF RESIDENTIAL ELECTRIC : **DOCKET NO. 3876**
GAS AND WATER UTILITY SERVICE :

OBJECTION OF DIVISION OF PUBLIC UTILITIES AND
CARRIERS TO COMMENTS OF
NATIONAL GRID

The Division of Public Utilities and Carriers (“Division”) hereby objects to the Comments of National Grid. The Commission noticed the pending matter for the purpose of affording “all interested persons to submit data, views, or arguments, orally or in writing, in response to *the Commission’s plan* to amend the current Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Service (“Termination Rules”) adopted by the Commission on May 1, 2002, as amended January 10, 2007” (Emphasis added). As noticed, the Commission’s proposed revisions made the following changes to the Termination Rules:

1. Deleted a reference to a Department of Labor and Training (“DLT”) ID card to prove temporary unemployment information;
2. Updated Appendix A to include the current Rhode Island Median Income levels for determining financial status;
3. Revised the language of the Termination Notice on Form III to reflect requested changes from the Wiley Center as accepted by the electric and gas utilities companies in 2005;
4. Removed the illustrative examples that appear in Appendix D;
5. Added a payment option for very low income customers pursuant to G.L. § 39-2-1(d);

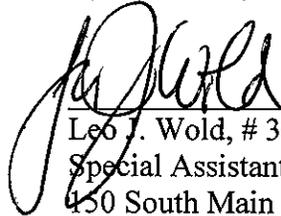
6. Provided protection for financial hardship customer who have a child under 12 months of age per Public Law Ch. 07-419;
7. Removed the provision of the Termination Rules that allows non-lawyers to represent customers at formal hearings before the Division;
8. Removed the provision of the Termination Rules that allows utility companies to offer more lenient payment plans than those provided by the rules; and
9. Authorized the Division, rather than the Commission, to order emergency utility service restorations.

Most of National Grid's comments fall completely outside the scope of the Commission's proposed plan (*i.e.*, the nine (9) areas specifically delineated above). Compare National Grid Comments, Parts 6 through 9 at 5-9 with Notice dated September 29, 2007. National Grid's Comments suggest revisions to the Termination Rules that the Commission neither noticed for amendment in this docket nor made available to interested parties for their comments, views and arguments within a reasonable time before the hearing that transpired on October 11, 2007. If National Grid's proposed revisions are considered by the Commission at this stage of the proceeding, then the rule-making procedures implemented in this docket will utterly run afoul of the Administrative Procedures Act, G.L. § 42-35-1 *et seq.* See e.g., § 42-35-3(a)(1) (requiring the *Commission* to give notice of *its* intended action, including a statement either the terms or substance of the intended action or a description of the subjects and issues involved...); G.L. § 42-35-3(a)(2) (affording interested persons a reasonable opportunity to submit data, views or arguments on National Grid's proposed revisions).

For the foregoing reasons, the Division requests that the Commission restrict the scope of the pending docket to the nine areas, which the Commission noticed for hearing on September 29, 2007. It follows that the Commission must ignore any and all National Grid Comments and proposed Termination Rule amendments that do not specifically involve these nine areas of concern.

DIVISION OF PUBLIC UTILITIES
AND CARRIERS

By its attorneys,



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