

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE: NATIONAL GRID GAS --
APPLICATION TO IMPLEMENT NEW
RATES

Docket No. 3943

**UNOPPOSED MOTION FOR INTERVENTION
OF CONSERVATION LAW FOUNDATION**

I. Introduction

The Conservation Law Foundation (CLF), pursuant to Public Utility Commission (PUC) Rules of Practice and Procedure 1.13(a) and (b), respectfully files its Motion for Intervention in this Docket.

On April 1, 2008, National Grid (Grid) transmitted to the PUC its Request for Change of Gas Distribution Rates. The PUC opened this docket in response to that submission.

Pursuant to PUC Rule of Practice and Procedure 1.15(b), CLF has contacted Grid and has learned that Grid does not object to CLF's intervention in this Docket.

II. The Intervenor

CLF is New England's leading environmental advocacy organization. Since 1966, CLF has worked to protect New England's people, natural resources and communities. CLF is a nonprofit, member-supported organization with offices throughout New England. The Rhode Island CLF office is located at 55 Dorrance Street, Providence.

CLF promotes clean, renewable and efficient energy production throughout New England and has an unparalleled record of advocacy on behalf of the region's environmental resources. As part of its 40-year legacy, CLF was a party in the landmark case in which the U.S. Supreme Court ruled that the U.S. Environmental Protection Agency has an obligation under the Clean Air Act to consider regulating tailpipe emissions that contribute to global warming, Massachusetts v. E.P.A., 127 S. Ct. 1438 (2007); CLF obtained an injunction to stop drilling for oil and gas on the environmentally sensitive Georges Bank, Conservation Law Foundation v. Sec'y of the Interior, 790 F.2d 965 (1st Cir. 1986); litigated to ensure enforcement of an earlier settlement agreement in a case stemming from the Big Dig, which settlement agreement required 20 public transit projects in and around Boston including construction of additional subway and rail lines, Conservation Law Foundation v. Romney, 421 F. Supp.2d 344 (D. Mass. 2006); and successfully advanced legal strategies to restore groundfish to the Gulf of Maine and southern New England waters. Conservation Law Foundation v. Evans, 211 F. Supp.2d 55 (D.D.C. 2002).

III. The Standard Governing this Motion

Intervention in PUC proceedings is governed by PUC Rule of Practice and Procedure 1.13.

PUC Rule of Practice and Procedure 1.13(b) states, in relevant part, that "any person claiming . . . an interest of such a nature that intervention is . . . appropriate may intervene in any proceeding before the Commission."

PUC Rule of Practice and Procedure 1.13(e) states, in relevant part, that “all timely motions to intervene not objected to by any party within ten (10) days of service of the motion for leave to intervene shall be deemed allowed”

Grid has informed CLF that it has no objection to CLF’s motion to intervene.

IV. CLF’s Interest in This Docket

Grid opened this Docket on April 1, 2008, by transmitting a covering letter, signed by Senior Counsel Thomas R. Teehan, to the PUC, together with extensive pre-filed testimony. Both Mr. Teehan’s cover letter and the accompanying materials make clear that what Grid refers to as “revenue decoupling” (decoupling) is an important part of this Docket.

In the view of both Grid and CLF, decoupling is closely linked to issues of energy efficiency.

In his covering letter, Mr. Teehan defines decoupling as “aligning rates to encourage greater efficiency.” Teehan Letter, at 2. Mr. Teehan states that a goal of decoupling is “to advance the public policy objectives of increased efficiency[,]” *id.*, and that decoupling “is designed to facilitate the expansion of gas efficiency programs by removing [Grid’s] dependency on customer gas usage to generate the revenues necessary for safe and reliable operation of the system.” *Id.*

In pre-filed testimony, Grid’s witness Nickolas Stavropoulos says, “The primary reason for [Grid’s] proposal [on decoupling] is to advance the goal of achieving greater energy efficiency in the State of Rhode Island.” Stavropoulos Testimony, at 13 lines 16-

18. Mr. Stavropoulos also adverts to public policy, referring to prior actions of both the Rhode Island General Assembly and the PUC as favoring programs on energy efficiency.

CLF is New England's leading environmental organization, and has a long and widely respected history of working on issues related to energy efficiency in general and on decoupling in particular.

In recent years CLF has intervened and participated in decoupling dockets in Massachusetts (DPU Docket No. 07-50), New Hampshire (PUC Docket No. 07-064), and Vermont (PSB Docket No. 7176). In each case, because of its deep knowledge and expertise, CLF was able to make valuable contributions to these respective decoupling dockets. CLF now seeks to intervene and make a similar contribution to the Rhode Island PUC's consideration of decoupling.

In Rhode Island, CLF has participated, without objection from any party, in previous PUC Dockets involving Grid's procurement of renewable energy resources (Dockets 3765 and 3901) and involving the state's plans to implement new rules regarding energy efficiency resources and programs (Docket 3931). CLF also participated in the Working Group established by the PUC as part of the PUC's decision in Docket 3765 (concerning Grid's renewable energy procurement for 2007). CLF played an important role in crafting the widely embraced recommendation to the General Assembly that emerged from that Working Group.

Thus, there are two related reasons why it is appropriate for CLF to intervene in this Docket. First, decoupling, an important aspect of the current Docket, is a subject

about which CLF has considerable background, knowledge, and experience. Second, this Docket raises issues that are closely related to other recent dockets before this Commission in which CLF has participated constructively.

Moreover, the participation in this Docket of a public interest organization such as CLF will serve the public interest. See, generally, John E. Bonine, Public Interest Environmental Lawyers: Global Examples and Personal Reflections, 10 Widener L. Rev. 451 (2004) (emphasizing the constructive and salutary role of public-interest environmental lawyers in a wide range of legislative, judicial, and regulatory fora). As both Grid's Senior Counsel Thomas R. Teehan and Grid's witness Nickolas Stavropoulos noted, the decoupling aspects of the current Docket are closely linked to issues of public policy and the public interest. As a public interest organization, CLF can make salient contributions to the PUC's deliberations on decoupling.

V. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its unopposed motion to intervene in Docket # 3943 be granted.

CONSERVATION LAW FOUNDATION,
by its Attorney,

A handwritten signature in black ink, appearing to read "Jerry Elmer", with a long horizontal line extending to the right from the end of the signature.

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to PUC Rule of Practice and Procedure 1.7(a), an original and nine copies of the within Motion were hand-delivered to Lully Massaro, Commission Clerk, Public Utilities Commission, 99 Jefferson Blvd., Warwick, RI 02888. In addition, a hard copy was hand delivered to Mr. Thomas F. Ahearn, Administrator, Division of Public Utilities, 99 Jefferson Blvd., Warwick, RI 02888. In addition, hard copies of the within Motion were sent by first-class mail, postage prepaid to each of:

Thomas R. Teehan, Esq. National Grid. 280 Melrose St. Providence, RI 02907
Cheryl M. Kimball, Esq. Keegan Werlin LLP 265 Franklin Street Boston, MA 02110
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In addition, electronic copies were transmitted to all of the persons on the PUC's Service List for this Docket, transmitted by Lully Massaro as current on April 8, 2008. I hereby certify that all of the foregoing was done on the 10th day of April 2008.


