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June 4, 2008

VIA HAND DELIVERY

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

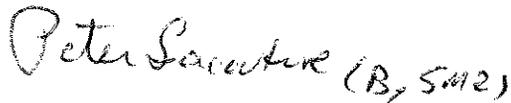
Re: The Narragansett Electric Company v. City of Newport, et al

Dear Luly:

Enclosed please find an original and ten copies of the above-referenced appeal. I am also sending this document to you electronically.

Please acknowledge receipt on the enclosed copy of this letter and return with my messenger. Thank you.

Sincerely,



Peter Lacouture (B, SMR)

Peter V. Lacouture

PVL/stg
Enclosures

cc: Joseph Nicholson, Esq.
Cindy Wilson Frias, Esq.
John Spirito, Jr., Esq.
Paul J. Roberti, Esq.

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COMM-FIN-109

#3968

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

THE NARRAGANSETT ELECTRIC :
COMPANY d/b/a NATIONAL GRID, :
Plaintiff, :

v. :

Docket No. _____

THE CITY OF NEWPORT; STEPHEN :
C. WALUK; CHARLES Y. DUNCAN; :
JUSTIN S. McLAUGHLIN; MARY C. :
CONNOLLY; STEPHEN R. COYNE; :
JEANNE-MARIE NAPOLITANO and :
KATHRYN E. LEONARD, in their :
official capacities as members of the :
Newport City Council; and :
WILLIAM RICCIO, JR., in his official :
capacity as Director of Public Utilities :
Defendants. :

FILED
2000 JUN -4 PM 4:22
CLERK OF SUPERIOR COURT

PETITION FOR REVIEW UNDER R.I.G.L. § 39-1-30

1. The Narragansett Electric Co. d/b/a National Grid (“National Grid”) brings this Petition under R.I. Gen. Laws § 39-1-30 and Rule 1.10 of the Public Utilities Commission’s (“PUC”) Rules of Practice and Procedure seeking review and nullification of recent actions by the City of Newport (“Newport”) “affecting the placing, erection, and maintenance” of underground gas lines of National Grid, “a company under the supervision of the commission.”

JURISDICTION AND FACTS

2. National Grid is a Rhode Island chartered public utility under the supervision of the PUC.

3. National Grid serves approximately 245,000 natural gas customers in 33 towns and cities and approximately 475,000 electric customers in 38 towns and cities in Rhode Island.

4. As a Rhode Island chartered public utility, National Grid has the right and franchise to install its gas and electric lines within public ways of the State.

5. Upon information and belief, in or about 1992, Newport, acting through its Town Council, enacted Ordinance § 12.08.050, which imposes permitting fees for all excavation work, whether in a public street or sidewalk (the “1992 Ordinance”).

6. Upon information and belief, in or about May, 2008, Newport began assessing an additional administrative fee upon all permits for excavation work. This administrative fee is in addition to the fees charged pursuant to the 1992 Ordinance.

7. In a communication to National Grid dated May 23, 2008 and received on May 28, 2008, William R. Riccio, Jr., P.E., Newport’s Director of Public Services, stated that Newport was assessing the additional administrative costs pursuant to its General Fee Schedule codified at § 2.1020 (no. 58) of the City’s Ordinances, which purports to allow Newport to assess an administrative fee of \$10.00, \$25.00 or \$50.00 depending on the number of on-site inspections.

8. National Grid has received invoices from the City of Newport’s Engineering Department relating to excavation permits sought by the utility. The invoices included the assessment of administrative fees in addition to the permitting costs prescribed by the 1992 Ordinance. (Copies of the invoices are attached hereto as Exhibit A).

9. Newport’s assessment of additional administrative fees to the costs of an excavation permit (beyond the costs already imposed under the 1992 Ordinance) is unreasonable and unjustified.

LEGAL CLAIMS

10. Newport's actions against National Grid violate R.I. Gen. Laws § 45-6-1(a), which grants to cities and towns the power to adopt ordinances, inter alia, "to regulate the putting up and maintenance of telegraph and other wires and the appurtenances," but does not authorize Newport to impose unduly burdensome and improper costs and requirements relating to the locating, replacing, repairing, or installing underground gas or other utility lines.

11. Newport's additional assessment of administrative costs interferes with the use of the public right-of-way which National Grid has the right to use in common with the public for its facilities. See R.I. Gen. Laws § 24-1-1.

12. R.I. Gen. Laws § 39-1-1(c) vests in the PUC "the exclusive power and authority to supervise, regulate, and make orders governing the conduct of companies offering to the public in intrastate commerce energy"

13. Newport's additional assessment of administrative costs constitutes an unlawful exercise of authority and is preempted by state law. Town of East Greenwich v. O'Neil, 617 A.2d 104 (R.I. 1992).

14. Newport's additional assessment of administrative costs is arbitrary, capricious, and serves no reasonable purpose.

15. Through its permitting process, Newport seeks to impose unreasonable and unjustified burdens, costs and requirements upon National Grid, its facilities, and its customers.

WHEREFORE, National Grid respectfully requests that the PUC, pursuant to R.I. Gen. Laws § 39-1-30,

- (a) review and nullify Newport's efforts to impose unreasonable administrative assessments upon National Grid; and

(b) issue such other and further relief as is within its power and is just and proper.

Respectfully submitted,

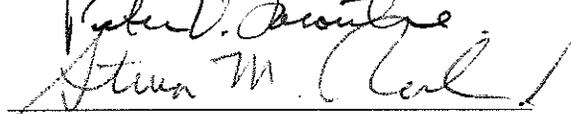
THE NARRAGANSETT ELECTRIC CO.
d/b/a NATIONAL GRID

By its attorneys,

Of Counsel:

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National Grid
280 Melrose Street
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(401) 454-1000
(401) 454-1030 (fax)

Dated: June 4th, 2008

CERTIFICATION

I hereby certify that a copy of this Petition for Review Under § 39-1-30 has been sent via courier on this 4th day of June, 2008 to the following counsel:

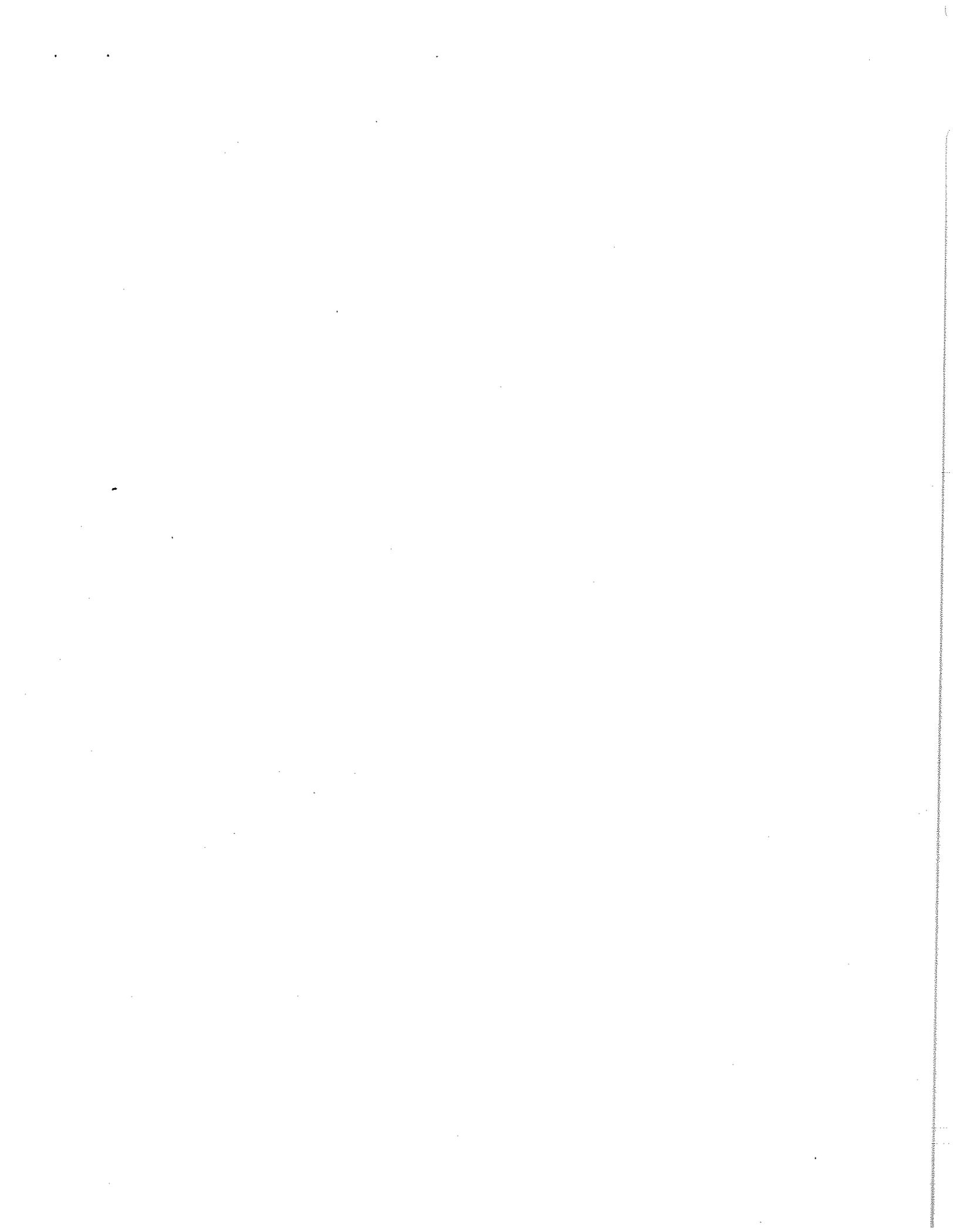
Joseph Nicholson, Esq.
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Providence, RI 02903

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Patricia Lucarelli, Esq.
Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

John Spirito, Jr., Esq.
Chief of Legal Services
Rhode Island Division of Public Utilities
89 Jefferson Boulevard
Warwick, RI 02888





City of Newport

43 Broadway
Newport, Rhode Island 02840
401 846-9600 fax 401 846-1121

Invoice No. _____

INVOICE

Customer

Name National Grid
Address 177 Dexter Street
City Providence, State RI ZIP 02907
Phone _____

Date May 27, 2008
Order No. _____

Qty	Description	Unit Price	TOTAL
	Excavation Permit Number 2008-0113		\$ 182.00 **
	** Includes a \$ 50.00 Administrative Fee		

Payment Details

- check
 cash

TOTAL \$ 182.00

Office Use Only

*please make checks payable to City of Newport, and remit to Engineering
Department*

City of Newport

43 Broadway
Newport, Rhode Island 02840
401 846-9600 fax 401 846-1121

Invoice No. _____

INVOICE

Customer

Name National Grid
Address 477 Dexter Street
City Providence, State RI ZIP 02907
Phone _____

Date May 23, 2008
Order No. _____

Qty	Description	Unit Price	TOTAL
	Excavation Permit Number 2008-0114		\$ 682.00 **
	Excavation Permit Number 2008-0115 thru 2008-0117 (3 Permits)		\$ 255.00 *
	** Includes a \$50.00 Administrative Fee		
	* " " \$25.00 " "		

Payment Details

- check
- cash

TOTAL \$ 937.00

Office Use Only

*please make checks payable to City of Newport, and remit to Engineering
Department*

