

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

**IN RE: THE NARRAGANSETT ELECTRIC        :**  
**COMPANY d/b/a NATIONAL GRID V.        :**        **DOCKET NO. 4028**  
**THE CITY OF PROVIDENCE, ET AL        :**

**ORDER**

WHEREAS, on December 10, 2008, the Providence City Council enacted an Ordinance amending chapter 23, of the Providence Code of Ordinances (“Ordinance”) which prohibits utilities from installing exterior meters, metering equipment or regulators on any residential structure without the written consent of the property owner and authorizes the Providence Housing Court to impose fines for violations.

WHEREAS, the Ordinance requires utilities to engage in a sixty-day municipal permitting process when seeking to “alter, install, or upgrade equipment located upon or under any public street or sidewalk, or upon or under any private property.”

WHEREAS, the Ordinance requires that before a utility can engage in any work, it must submit a project plan to the City of Providence Planning and Development Department, which has thirty days to make recommendations to the City Council, after which the City Council has another thirty days to determine whether it will approve the plan.

WHEREAS, on December 19, 2008, the Narragansett Electric Company d/b/a National Grid (“NGrid”) filed a Petition for Review pursuant to R.I. Gen. Laws §39-1-30 with the Public Utilities Commission (“Commission”) requesting that the Commission nullify the Ordinance.

WHEREAS, on March 4, 2009, the Providence Water Supply Board filed a motion to intervene in the above-captioned matter.

WHEREAS, on March 5, 2009, Verizon Rhode Island filed a motion to intervene in the above-captioned matter.

WHEREAS, on March 11, 2009, the Commission conducted a public hearing to take public comment on the issues raised in the Petition.

WHEREAS, subsequent to the filing of the Petition, the Rhode Island General Assembly passed Chapter 110 of the Public Laws 2009 which adds a new Chapter 2.1 to Title 39 of the General Laws of the State of Rhode Island and which relates to the location of residential gas regulators and gas meters.

WHEREAS, on August 14, 2009, NGrid sent a letter to the Commission requesting that the Commission take administrative notice of the passage of Chapter 110 of the Public Laws 2009 and rule that this law preempts the City of Providence Ordinance.

WHEREAS, the Commission considered NGrid's request at its August 26, 2009 open meeting and ruled to treat the letter NGrid's request as a request to rule on its previously filed Motion for Summary Judgment.

WHEREAS, neither the City of Providence, the Division of Public Utilities and Carriers, the Providence Water Supply Board nor Verizon Rhode Island objected to NGrid's August 14, 2009 request.

WHEREAS, in *Town of East Greenwich v. O'Neil*, 617 A.2d 104, 109 (R.I. 1992), the Rhode Island Supreme Court held that municipal ordinances are inferior to

state laws and that ordinances that are inconsistent with state law of a general character and statewide application are invalid.

WHEREAS, it is clear that the Legislature intended its language to control the location of residential gas regulators and gas meters.

WHEREAS, the Commission finds that Chapter 2.1 of Title 39 of the Rhode Island General Laws preempts the City Ordinance.

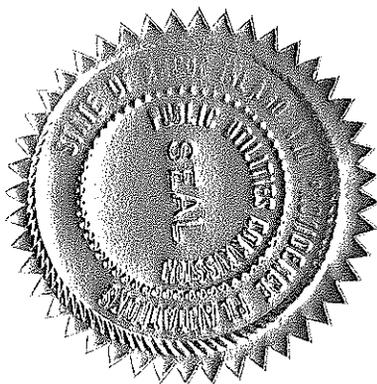
Accordingly, it is hereby

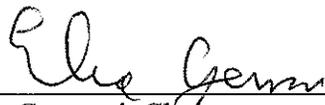
(19741) ORDERED:

1. National Grid's Motion for Summary Judgment is granted.
2. The Petition seeking nullification of the City of Providence Ordinance is granted.

EFFECTIVE AT WARWICK, RHODE ISLAND ON AUGUST 26, 2009  
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED  
SEPTEMBER 1, 2009.

PUBLIC UTILITIES COMMISSION



  
Elia Germani, Chairman

  
Mary E. Bray, Commissioner

  
Paul J. Roberti, Commissioner