

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE: NATIONAL GRID
STANDARD OFFER SERVICE
PROCUREMENT PLAN

Docket # 4041

2009 MAR -9 PM 2:13

**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 March 2, 2009, National Grid (Grid) transmitted to the PUC its Standard Offer Service Procurement Plan Filing. 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 March 2, 2009, by transmitting a covering letter, signed by Senior Counsel Thomas R. Teehan, to the PUC, together with extensive pre-filed testimony. This Docket concerns Grid’s Standard Offer Service (SOS).

CLF is New England’s leading environmental organization, and has a long and widely respected history of working on issues related to the environmental impacts of energy production, procurement, and consumption; energy efficiency; and renewable energy. CLF participated in several of the “technical sessions” held by the PUC over the past several months related to this anticipated docket including the one on January 28, 2009, at which Grid presented its overall SOS procurement plans; and the one on February 19, 2009, which considered issues related to Rhode Island’s Renewable Energy Standard (RES) and its relationship to the SOS.

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, 3901, and 4012) and involving the state’s plans to implement new rules regarding energy efficiency resources and programs (Docket 3931). CLF participated without objection from any party in Docket # 3943, the recent gas pricing docket, which

also considered a proposal from Grid for revenue decoupling. 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).

There are two related reasons why it is appropriate for CLF to intervene in this Docket. First, CLF has been and continues to be an active stakeholder in matters related to energy and especially the environmental impacts of energy procurement and efficiency efforts. Second, 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).

V. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its unopposed motion to intervene in Docket # 4041 be granted.

CONSERVATION LAW FOUNDATION,
by its Attorney,

A handwritten signature in black ink, appearing to read "Jerry Elmer", written over a horizontal line.

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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 Luly 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, a hard copy of the within Motion was sent by first-class mail, postage prepaid to Thomas Teehan, Senior Counsel, National Grid, 280 Melrose Street, Providence, RI 02907. In addition, a true and accurate electronic copy, in the form of a PDF attachment, was transmitted electronically to the most recently available e-mail service list associated with this Docket, the list transmitted to counsel by PUC attorney Cindy Wilson-Frias on February 17, 2009. I certify that all of the foregoing was done by me or under my direct supervision on March 9, 2009.



Jerry Elmer, Esq.

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