

STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION

IN RE: ADEQUANCY OF  
RENEWABLE ENERGY  
SUPPLIES

Docket # 4450

2009/11/2 AM 10:53

**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 31, 2009, The PUC opened this Docket pursuant to R. I. Gen. Laws § 39-26-6(d), a portion of Rhode Island's Renewable Energy Standard (RES), in order to "[d]etermine . . . the adequacy . . . of renewable energy supplies to meet the increase in percentage requirement of energy from renewable energy resources to go into effect in 2011 . . ."

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 . . . .”

#### IV. CLF’s Interest in This Docket

This Docket considers the adequacy of renewable energy supplies for Rhode Island for the period 2011 to 2014. CLF is New England’s leading environmental organization, and has a long and widely respected history of working on issues related to renewable energy.

CLF participated in PUC Docket # 4041 which considered National Grid’s proposed Standard Offer Service (SOS) for the period beginning January 1, 2010. CLF’s specific interest in the SOS Docket was the relationship between SOS and the state’s RES Statute. In Docket # 4041, CLF intervened without objection by any party. CLF submitted written material in Docket # 4041, and participated in several of the “technical sessions” held by the PUC that 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, also 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 renewable energy. 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,



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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. I certify that all of the foregoing was done by me or under my direct supervision on April 29, 2009.



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Jerry Elmer, Esq. # 4394