

STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION

IN RE: NARRAGANSETT ELECTRIC --  
APPLICATION TO IMPLEMENT NEW  
RATES

Docket No. 4065

**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 June 1, 2009, National Grid (Grid) transmitted to the PUC a set of documents styled "Investigation As To the Propriety of Proposed Tariff Changes." 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 June 1, 2008, by transmitting to the PUC a covering letter, signed by Senior Counsel Thomas R. Teehan, 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 states, in relevant part:

[T]he Company’s filing contains a proposal to implement a revenue-decoupling ratemaking plan. In the interests of customers, National Grid is taking a much more aggressive role in energy efficiency and conservation activities than in the past. The Company’s efforts benefit customers because the availability of energy efficiency measures will help customers lower their overall energy bills, reduce the overall cost of energy in the state’s economy, and lead to more sustainable energy production and use. The Company’s revenue decoupling ratemaking plan is designed to eliminate the financial barriers that currently exist to achieving those goals and places the Company in a more stable financial position to fully engage in the implementation of these important public policy initiatives.

Teehan Letter, at 2.

In pre-filed testimony, the President of National Grid USA, Tom King, says that Grid's electricity decoupling proposal in this Docket "will support the state's policy in addressing . . . climate change challenges." King Pre-Filed Testimony, at page 4 lines 11-12. Mr. King further states that Grid proposes decoupling because "the traditional ratemaking process impedes the Company's ability to deliver on . . . important public policy initiatives related to energy and climate change . . . ." King Pre-Filed Testimony, at page 5 lines 8-10.

Grid's expert witness on decoupling, Dr. Susan F. Tierney, was a Commissioner in the Massachusetts Department of Public Utilities (1988-1991); the Massachusetts Secretary for Environmental Affairs (1991-1993); and Assistant U.S. Secretary of Energy for Policy (1993-1995). Dr. Tierney's testimony explains that the purpose of Grid's decoupling mechanism in this Docket is "to break the link between the revenues a utility receives and the level of sales it makes." Tierney Pre-Filed Testimony, at page 4, lines 5-6.

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.

In Rhode Island, CLF participated in Docket # 3943 before this Commission, which Docket addressed, in part, a proposal by Grid for revenue decoupling for Grid's gas utility. CLF supported Grid's gas-price decoupling proposal Docket # 3943. In a 2-1 vote, the PUC rejected Grid's decoupling proposal in Docket # 3943, in part, because the Commission believed that there was insufficient evidence in the Record of that Docket supporting a direct connection between decoupling and specific efficiency programs. In the current Docket the connection between decoupling and specific efficiency programs is addressed in the testimony of Grid's witness, Timothy Stout.

In addition, CLF has participated, without objection from any party, in previous PUC Dockets involving Grid's procurement of renewable energy resources, specifically Docket # 3765 (Grid's 2007 RES compliance), Docket # 3901 (Grid's 2008 RES compliance), and Docket # 4012 (Grid's 2009 RES compliance); and involving the state's plans to implement new rules regarding energy efficiency resources and programs (Docket # 3931). CLF 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 has intervened, and is currently a party, in the pending Standard Offer Service Docket.

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 Grid's Senior Counsel Thomas R. Teehan and Grid's witnesses Tom King and Susan Tierney 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 # 4065 be granted.

CONSERVATION LAW FOUNDATION,  
by its Attorney,



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Jerry Elmer (# 4394)

CONSERVATION LAW FOUNDATION

55 Dorrance Street

Providence, RI 02903

Telephone: (401) 351-1102

Facsimile: (401) 351-1130

E-Mail: JElmer@CLF.org

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, 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
Patrick Lynch, Esq. Attorney General 150 South Main St. Providence, RI 02903

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 June 3, 2009. I hereby certify that all of the foregoing was done on the 11<sup>th</sup> day of June 2009.

  
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