

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE: REVIEW OF PROPOSED
TOWN OF NEW SHOREHAM PROJECT
PURSUANT TO R.I. GEN.
LAWS § 39-26.1-7

Docket No. 4111

**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 October 15, 2009, National Grid (Grid) transmitted to the PUC a set of documents styled "Review of Proposed Town of New Shoreham Project Pursuant to R. I. Gen. Laws § 39-26.1-7." 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 October 15, 2009, by transmitting to the PUC a 10-page covering letter, signed by Ronald T. Gerwatowski, together with an incomplete and unexecuted Power Purchase Agreement that had been under discussion and negotiation between Grid and Deepwater Wind Block Island, LLC. Grid’s filing was required by the provisions of R. I. Gen. Laws § 39-26.1-7, part of Rhode Island’s recently-enacted Long-Term Contracting Statute, R. I. Gen. Laws § 39-26.1-1, et seq. (the LTC Statute). The LTC Statute, in turn, supplements Rhode Island’s 2004 Renewable Energy Standard, R. I. Gen. Laws § 39-26-1, et seq. (the RES).

CLF is New England’s leading environmental organization, and has a long and widely respected history of working on issues related to renewable energy in general and on enactment and enforcement of Rhode Island’s RES and LTC Statutes in particular.

In this Commission, CLF was a party, without objection from any other party, in Dockets 3901 and 4012, which considered Grid’s procurement of renewable energy (in the form of RECs) pursuant to the original RES Statute.

CLF has a special interest in the LTC Statute that forms the legal basis of this Docket. CLF was an active participant in the collaborative process among a variety of

parties, including environmental organizations, Grid, and renewable-energy developers, that led to enactment by the General Assembly of the LTC Statute. CLF is a party in Docket 4069, the only other Docket that has been opened in this Commission pursuant to the LTC Statute.

As New England's leading environmental organization, with deep experience on subjects related to renewable energy, CLF also has specialized knowledge on issues related to the costs and benefits of various forms of renewable energy. Those issues are at the heart of the controversy in this Docket.

Thus, there are three related reasons why it is appropriate for CLF to intervene in this Docket. First, CLF has specific knowledge and background concerning the LTC Statute that forms the legal basis of this Docket. Second, CLF has specific knowledge and background concerning renewable energy costs and benefits, a subject that forms an important part of the factual basis of this Docket. Third, 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 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 # 4111 be granted.

CONSERVATION LAW FOUNDATION,
by its Attorney,

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

Jerry Elmer (# 4394)
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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 of the within Motion was sent by first-class mail, postage prepaid to Thomas Teehan, National Grid, 280 Melrose Street, Providence, RI 02907. In addition, electronic copies were transmitted to all of the persons on the PUC's Service List for this Docket, transmitted by PUC Attorney Cynthia G. Wilson-Frias on October 16, 2009. I hereby certify that all of the foregoing was done on the 21st day of October 2009.


