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October 23, 2009

BY FEDERAL EXPRESS AND EMAIL

Luly Massaro
Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Docket No. 4111
Review of Proposed Town of New Shoreham Project
Pursuant to R.I.G.L. §39-26.1-7

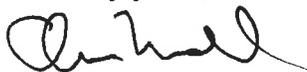
Dear Luly:

Enclosed please find for filing in the above matter an original and nine (9) copies of the Motion to Intervene of the Town of New Shoreham.

An electronic copy is being provided to the Commission and to the Service List.

Thank you for your assistance in this matter.

Sincerely yours,



Alan D. Mandl, Bar No. 6590

Enclosures

Cc: Service List
Nancy Dodge-Town Manager

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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

MOTION TO INTERVENE OF THE TOWN OF NEW SHOREHAM

Pursuant to Rules 1.13 and 1.16 of the Commission’s Rules of Practice and Procedure, the Town of New Shoreham (the “Town”) hereby moves to intervene in the above-captioned matter.

Intervention Standard

Under Rule 1.13(b), “...any person claiming a right to intervene or an interest of such a nature that intervention is necessary or appropriate may intervene in any proceeding before the Commission.” Such a right or interest may be “... [a]n interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Commission’s action in the proceeding.” Rule 1.13(b)(2). Such an interest also may be “[a]ny other interest of such nature that movant’s participation may be in the public interest.” As explained below, the Town, singled out under the provisions of R.I.G.L. §39-26.1-7 (“The Town of New Shoreham Project”), meets the Commission’s standards for intervention.

The Town Should be Granted Intervention

1. On October 15, 2009, pursuant to R.I.G.L. §39-26.1-7(a), Narragansett Electric Company d/b/a National Grid (“National Grid”) filed an unsigned contract with the Commission. By statute, the proposal submitted to National Grid was required to “...enhance the electric reliability and environmental quality of the Town of New Shoreham.” The Town has a direct and substantial interest whether the proposal under review by the Commission will meet these statutory objectives, and its interests are not adequately represented by other parties.

2. R.I.G.L. §39-26.1-7(a) further provides:

[t]o the extent that there are benefits for customers of the Block Island Power Company or its successor [under the contract], the commission shall determine an allocation of cost responsibility between customers of the electric distribution company [National Grid] and Block Island Power Company or its successor after the cost estimates are filed with the commission, but the commission need not determine the final costs allocation at the time the commission considers and/or approves the contract between the electric distribution company [National Grid] and the project developer. The allocation of costs shall assure that individual customers in the Town of New Shoreham pay higher charges related to the project on their individual bills than any charges for the same project that may be included in the individual bills of customers of the electric distribution company [National Grid]. (emphasis added)

3. The Town is a consumer of electric service provided by Block Island Power Company (“BIPCo”).

4. Because R.I.G.L. §39-26.1-7(a) directs, under certain circumstances, the allocation of Town of New Shoreham Project-related costs to BIPCo customers, the Town has a direct economic, substantial interest in this matter which is not adequately represented by other parties.

5. Because of the possibility of a future allocation of Town of New Shoreham Project power supply costs to BIPCo ratepayers, the Town shares National Grid's concerns about the commercial reasonableness of the pricing and other terms of the unsigned Deepwater Wind contract.

6. Any allocation of power supply cost responsibility by the Commission between customers of National Grid and BIPCo customers in this contract review proceeding would be premature and otherwise improper. The Town reserves its rights to contend, on appropriate legal or factual grounds, that any Commission allocation of power supply costs as between National Grid and BIPCo and their customers, made pursuant to R.I.G.L. §39-26.1-7(a), is premature or otherwise improper.

7. The Town is also directly and substantially affected by the terms of any transmission cable agreements between National Grid (or others) and Deepwater Wind, including but not limited to transmission cable costs. The Town is directly impacted by any allocation of transmission cable costs determined by the Commission. R.I.G.L. §39-26.1-7(b) and the level of charges for BIPCo ratepayers arising from the project relative to the level of charges for National Grid ratepayers.

8. Any allocation of transmission cable costs as between National Grid and BIPCo and their customers in this proceeding is premature. The Town reserves its right to contend, on appropriate legal or factual grounds, that any Commission allocation of transmission cable costs as between National Grid and BIPCo and their customers, made pursuant to R.I.G.L. §39-26.1-7(b), is improper.

9. The participation of the Town in this matter is in the public interest.

The Town's participation as an intervenor will provide the Commission with Town input on electric reliability and environmental quality issues, as well as issues impacting BIPCo ratepayers.

10. If permitted to intervene, the Town may request that the Commission address the scope of the issues to be decided in this matter under both R.I.G.L. §§39-26.1-7(a) and 39-26.1-7(b). The Town may pursue stipulations with other parties that would limit the issues to be decided in this matter. If deemed necessary and as permitted by the Commission, the Town may conduct discovery and/or cross-examination, introduce evidence and submit a closing argument or brief.

11. Copies of all notices, pleadings, correspondence and other filings should be served upon the following:

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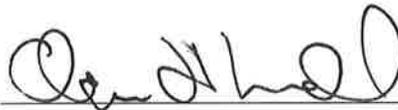
Nancy Dodge
Town Manager
Town of New Shoreham
PO Drawer 220
Block Island, RI 02807

For the reasons above, the Town requests that the Commission grant its Motion to Intervene.

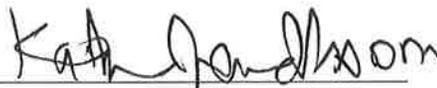
Respectfully submitted,

TOWN OF NEW SHOREHAM

By its attorneys,



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Dated: October 23, 2009