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October 2, 2013

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PUBLIC UTILITIES COMMISSION

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

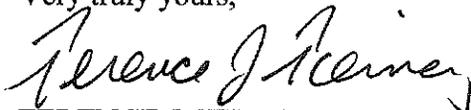
Re: Docket 4237 A

Dear Luly,

Enclosed please find my Entry of Appearance in the above-referenced matter, and an original and ten copies of the Motion to Intervene of Power Survey Company.

Thank you for your attention to the filing and distribution of this material in the record of Docket 4237 A.

Very truly yours,


TERENCE J. TIERNEY, Esq.

Enclosures

cc: Service List

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PUBLIC UTILITIES COMMISSION

BEFORE THE RHODE ISLAND PUBLIC UTILITIES COMMISSION

**COMMISSION INVESTIGATION RELATING TO
STRAY AND CONTACT VOLTAGE OCCURRING
IN NARRAGANSETT ELECTRIC TERRITORIES**

DOCKET # 4237 - A

MOTION TO INTERVENE
OF POWER SURVEY COMPANY

Now comes Power Survey Company, and moves, pursuant to Rhode Island Public Utilities Commission Rule 1.13, to intervene in this Docket.

Power Survey Company claims a right to intervene in this proceeding, and an interest in the proceeding of such a nature that the grant of its request is appropriate, and should be approved. Power Survey asserts that its interests will be directly affected by the Commission's actions in this matter, that its interests are not adequately represented by existing parties to this Docket, and that its intervention is in the public interest.

STATUTORY BACKGROUND

It is the statutory responsibility of the PUC to "review and determine which equipment and technology should be used for the surveying of contact voltage consistent with paragraphs (2) and (3) of subsection (b). Such review may include, but not limited to, the use of mobile testing equipment and technology" so that utilities could "(b) implement appropriate procedures to detect contact voltage on publicly accessible surfaces which could become energized by contact voltage due to faults in the underground distribution system." R.I. Gen. Laws 39-2-25.

THE STANDARD FOR INTERVENTION BEFORE THE COMMISSION

The standard used by the Commission in deciding motions to intervene is broad in scope, and it is liberally applied in furtherance of the Commission's statutory responsibilities. Participation in a proceeding as an intervenor may be initiated by order of the Commission upon the filing of a motion to intervene. Under the Commission's rules "any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in a proceeding before the Commission." Rule 1.13(b). Such a right, or interest, may be: (1) conferred by statute; (2) an interest which may be directly affected and which is not adequately protected by existing parties and as to which movants may be bound by the Commission's actions in the proceeding; or (3) any other interest of such nature that movant's participation may be in the public interest. Id.

POWER SURVEY IS A PROPER PARTY TO SEEK INTERVENTION

Power Survey Company currently performs contact voltage testing in over forty North American cities. Petitioner participated in the Commission's initial proceedings that led to the issuance of the Order under which contact voltage risk assessment was ordered in Rhode Island and that is the subject of this Docket. Power Survey Company has significant experience and expertise in the subject matter of this proceeding, and its participation as a party would assist the Commission and National Grid in their analysis of the matters that now need to be decided.

FACTS RELATING TO POWER SURVEY'S INTEREST IN THIS PROCEEDING

On or about August 30, 2013, National Grid filed a "Rhode Island Annual Contact Voltage Compliance Report" with the Public Utilities Commission concerning the results of its efforts to comply with the Commission's Order in Docket #4237, relative to detection and repair of

“contact voltage” risks to the general public from Grid’s underground electrical distribution system in Rhode Island.

Power Survey actively participated in Docket # 4237, that led to the filing of the Report, and which is closely related to the instant matter. In that proceeding, the Commission allowed the comments that Power Survey (and others) had filed to take a “more prevalent role” than is customary “because of the public safety concerns in this case.” Order, Feb.1, 2013, p.1. These same public safety concerns are also present in this Docket.

THE GROUNDS FOR POWER SURVEY’S PROPOSED INTERVENTION

Power Survey submits that there are some important lessons to be learned from the results of the initial contact voltage survey and subsequent repair program, and that Power Survey Company is in a unique position to assist the Commission and others in their review of the program, as well as in the consideration of the recommendation made in the Report. Accordingly, the PUC should exercise its authority to permit Power Survey to intervene in this Docket so that the Commission may consider both the positive aspects of the program that are represented in the Annual Report, as well as some of the negative aspects of the program that are not apparent from the Report but which will be described by Power Survey.

The National Grid Annual Report demonstrates that a number of contested issues exist in this proceeding. Such issues need to be determined by the Commission before the Report is accepted, and the existing program is continued and expanded into the Westerly area as National Grid has recommended.

THE ISSUES PRESENTED IN DOCKET # 4237-A

While on the surface it appears that the only issue before the PUC in this Docket is a routine “compliance filing,” the results of the Report prompt some serious questions. The issues involved in this proceeding include at least: (1) whether the selected testing equipment performed as the Commission and National Grid were led to believe it would; (2) whether the testing and repair program should be expanded geographically; and (3) whether the percentage of the area to be tested in the next round of testing should be the amount recommended by National Grid.

THE POSITION OF THE MOVANT IN THIS PROCEEDING

Power Survey asserts that the system employed for compliance with the Commission’s Order is deficient and inadequate, and it will present arguments and evidence to that effect for the consideration of the Commission and National Grid. Power Survey asserts that the proof it intends to present at the hearing will show that the survey equipment missed seven times as many contact voltage risks as it discovered and repaired.

The testing equipment used to satisfy the requirements of the Order appear to have found only ten energized objects in Providence, and only twenty in the entire state. As was discussed in the prior Docket, in February, 2011, a Channel 10 investigative reporter found over 30 hazardous cases of contact voltage in Providence alone, and was thus able to locate almost as many findings over 25 volts in a single night in one community than National Grid’s vendor was able to find in all of Rhode Island. The testing locations appear to be questionable as well, as some results provided by the testing contractor appear to reference locations in Londonderry, New Hampshire

(See: National Grid Compliance Filing, August 29, 2013, p. 36, GPS coordinates associated with Event ID # 25-33).

Thus, if allowed to intervene as requested, Power Survey will assist the Commission and other parties to the matter, in taking a “hard look” at the data accumulated by the testing contractor, and thereby further the Commission’s legislative charge of requiring that “appropriate procedures” be employed, and furthering both the Commission’s and National Grid’s goal of preventing the risks of serious injury and death that are associated with underground electrical systems.

With a majority of the Commission newly appointed, and therefore not present to hear the compelling evidence presented in Docket # 4237 (relative to the number of preventable deaths and injuries that have occurred around the country from contact voltage exposure), this Docket will serve an important function in ensuring that any ruling on the propriety of the existing program is made with full knowledge of the severe limitations of the testing equipment being employed, which may not have been previously apparent to the Commission and National Grid. Such limitations have resulted in public safety risks remaining undetected throughout Rhode Island- even after the testing program has been performed. Before the PUC takes action to approve the existing program, and to authorize its expansion into new territory, it will certainly want to be satisfied that the selected equipment is actually working to prevent electrocution hazards, and is serving its intended function of preventing the kind of grave risks to the general public that was described in Docket # 4237 (See: e.g., Letter of Representative Christopher Blazewski: “...I was nearby on Angel Street in Providence when a dog was shocked and killed by contact voltage in January, 2011.” (emphasis added)). The new Commissioners, in particular, are undoubtedly interested in becoming more informed about the ongoing safety risks associated

with contact voltage, and of the types of tragic incidents that can occur when such risks are not detected and repaired (See: e.g., [https:// www.ksn.com/2013/05/29/salina-girl-hospitalized-after-electrical-accident/](https://www.ksn.com/2013/05/29/salina-girl-hospitalized-after-electrical-accident/)) through expert testimony that Power Survey would be willing to sponsor.

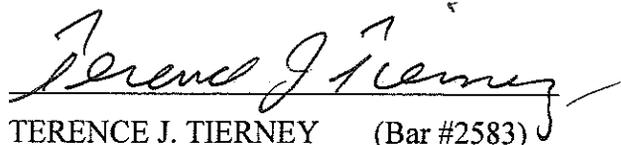
Power Survey submits that the overarching goal of this Docket must be to protect the public from preventable risks of electrocution, and that the survey results generated by Grid's testing contractor must be assessed in that light. If the existing program that is now in effect and proposed to be expanded is not adequately preventing such risks, as Power Survey suggests the evidence will demonstrate, then the program is not serving the public interest and should therefore be modified by the Commission.

CONCLUSION

The Commission must decide if the process used in the initial round of risk testing has met the goals of the Contact Voltage Act. Power Survey can assist the Commission and National Grid in reaching this determination. Accordingly, for the reasons set forth herein, Power Survey moves to intervene in this Docket, and asks that the Commission grant such request.

POWER SURVEY COMPANY,

By its Attorney,


TERENCE J. TIERNEY (Bar #2583)

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CERTIFICATE OF SERVICE

I certify that a copy of the within Motion to Intervene was sent to the Service List via U.S. mail, or by e-mail, on the 2nd day of October, 2013.

Terrance J. Tierney