

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: DISTRIBUTED GENERATION
STANDARD CONTRACTS
CLASSES AND CEILING PRICES
PURSUANT TO R.I.G.L. § 39-26.3.

Docket No. 4288

PUBLIC UTILITIES COMMISSION

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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 September 27, 2011, the Office of Energy Resources (OER) transmitted to the PUC a set of documents styled "Distributed Generation Standard Contracts Act – Classes and Ceiling Prices for 2011." The PUC opened this docket in response to that submission.

Pursuant to PUC Rule of Practice and Procedure 1.15(b), CLF has contacted OER and has learned that OER 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.

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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”

OER has informed CLF that it has no objection to CLF’s motion to intervene.

IV. CLF’s Interest in This Proceeding

CLF is a membership organization, and CLF members have their own renewable energy distributed generation facilities that will be directly affected by the outcome of this proceeding with regard to how Rhode Islanders are paid for electricity output from their distributed generation facilities. These CLF members have a direct financial interest in rulings made in this proceeding.

In addition, CLF is New England’s leading environmental organization, and has a long and widely respected history of working on issues related to both renewable energy and distributed generation. More specifically, CLF staff were directly and intimately involved in drafting the provisions of the newly enacted Chapter 26.3 of Title 39 of Rhode Island’s General Laws, pursuant to which this docket has been opened. That is, part of CLF’s interest in this particular docket is to assure proper implementation of the new Rhode Island net metering statute that CLF was instrumental in drafting.

CLF also participated in the stakeholder meetings conducted by the OER that helped produce and refine the materials that OER filed with the Commission to open this Docket.

CLF has participated, without objection from any party, in many previous PUC Dockets. These include Docket # 3659 (setting Rules pursuant to R. I. Gen. Laws § 39-26-1, et seq., the state's first Renewable Energy Standard, or RES); Docket # 3765 (considering Grid's 2007 RES compliance procurement); Docket # 3901 (considering Grid's 2008 RES procurement); Docket # 4012 (considering Grid's 2009 RES procurement); Docket # 3932 (Grid's Least Cost Procurement Plan pursuant to R. I. Gen. Laws § 39-1-27.7); Docket # 3943 (gas distribution rate case); Docket # 4065 (electricity distribution rate case); Docket # 4111 (first of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project); and Docket # 4185 (second of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project).

The present proceeding concerns distributed generation. CLF members are directly affected by how this Commission implements Rhode Island's new distributed generation law. CLF has extensive experience with distributed generation, and was involved in crafting the language in Rhode Island's new distributed generation statute.

As a result of this history, both in Rhode Island and in the rest of New England, CLF can play a constructive and helpful role in this Docket.

Moreover, the participation in this proceeding 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 this proceeding be granted.

CONSERVATION LAW FOUNDATION,
by its Attorney,



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CERTIFICATE OF SERVICE

I certify that the original and nine photocopies of this Motion were filed in person with the Clerk of the Public Utilities Commission, 99 Jefferson Blvd., Warwick, RI 02888. In addition, electronic copies of this Motion were served via e-mail on the service list for this Docket. I certify that all of the foregoing was done on October 3, 2011.


