

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

IN RE: GRID'S ENERGY  
EFFICIENCY PROGRAM PLAN  
FOR 2012

Docket 4295

**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 November 1, 2011, National Grid (Grid), acting by and through its attorney Jennifer Brooks Hutchinson, transmitted to the PUC a set of documents styled "2012 Energy Efficiency Program Plan." The PUC opened this docket in response to Grid's submission.

Pursuant to PUC Rule of Practice and Procedure 1.15(b), CLF has contacted the settling parties in this docket – Grid, the Division of Public Utilities and Carriers (the Division), The Energy Council of Rhode Island (TEC-RI), and Environment Northeast (ENE) – to inform those parties that it (CLF) intends to intervene in this Docket. Each of these parties has stated that it does not object to CLF's intervention.

## 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, the Division, TEC-RI, and ENE have all stated that they do not object to CLF’s proposed intervention in this Docket.

### IV. CLF’s Interest in This Proceeding

CLF is a membership organization, and CLF members will be directly affected by the success or failure of energy efficiency efforts undertaken by Rhode Island’s dominant utility, Grid. 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 energy efficiency.

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).

More specifically, CLF is currently a full party in Docket # 4284, in which the Commission is considering Grid's three-year energy-efficiency plan upon which its one-year plan (in this docket) is based. In addition, CLF was a full party in the Commission's prior Docket # 3931, in which the Commission considered an earlier three-year energy-efficiency plan by the utility.

The present proceeding presents Grid's newest one-year plan for energy efficiency. CLF members are directly affected by these programs. CLF has extensive experience with implementation of energy efficiency New England.

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 entire service list for this Docket. I certify that all of the foregoing was done on November 8, 2011.

