

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

IN RE: NATIONAL GRID'S  
REVENUE DECOUPLING  
RECONCILIATION

No. 4327

**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 May 15, 2012, National Grid (Grid) transmitted to the PUC a set of documents styled "National Grid's Electric Revenue Decoupling Mechanism ("RDM") Reconciliation Filing For the Year Ending March 31, 2012." The following day, 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 (Grid) has no objection to CLF’s motion to intervene.

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

The subject of this docket is decoupling. CLF is New England’s leading environmental organization, and has a long and widely respected history of working on issues related to energy efficiency in general and on decoupling in particular.

In recent years CLF has intervened and participated in decoupling dockets in Massachusetts (DPU Docket No. 07-50), New Hampshire (PUC Docket No. 07-064), and Vermont (PSB Docket No. 7176). In each case, because of its deep knowledge and expertise, CLF was able to make valuable contributions to these respective decoupling dockets.

In Rhode Island, CLF has participated, without objection from any party, in every prior PUC docket that has considered, even in part, issues related to decoupling. In 2008, CLF participated in this Commission’s Docket No. 3943, in which Grid proposed to decouple gas rates in Rhode Island. In Docket No. 3943, CLF presented an expert witness, Seth Kaplan, in support of the decoupling proposal then pending. In 2009, CLF participated in Docket No. 4065, in which this Commission considered a proposal to

decouple electricity rates in Rhode Island. In that Docket, CLF presented an expert witness, Shanna Cleveland, in support of the decoupling proposal.

In 2010, CLF was a party in this Commission's Docket No. 4206, the Docket which was the most immediate antecedent to the present Docket. In Docket No. 4206, the Commission approved rules to govern electricity and gas decoupling in Rhode Island.

CLF has also participated, without objection from any party, in many previous PUC Dockets that treated subjects other than decoupling. 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 # 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).

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, as that list was transmitted by the PUC Clerk on May 16, 2012. I certify that all of the foregoing was done on May 23, 2012.

