

**State of Rhode Island and Providence Plantations**

**Public Utilities Commission**

**Open Meeting Minutes for November 24, 2014 @ 1:00 P.M.**

In attendance: Chairperson Margaret Curran, Commissioner Paul Roberti, Commissioner Herbert DeSimone, Commissioner Paul Roberti, Sharon Colby Camara, Patricia Lucarelli, Cynthia Wilson-Frias, Alan Nault and Todd Bianco.

**Approval of Minutes of Open Meetings held on October 30, 2014 and November 12, 2014.** Commissioner DeSimone moved approval, seconded by Commissioner Roberti. **Vote 3-0.**

**4450 - Termination of Residential Electric & Gas Rules** - Discussion to finalize proposed rules or close docket.

Chairperson Curran summarized the process followed to date in this matter as follows: On October 28, 2013, the PUC proposed Rules and Regulations Governing the Termination of Residential Electric and Natural Gas Service. The stated purpose of the proposed regulations was to correct the rules to reflect the limited statutory authority conferred to the PUC over termination of service related matters and to leave to the Division of Public Utilities and Carriers its statutory authority over reasonable methods of debt collection.

On November 21, 2013, the PUC held a hearing to accept oral in person public comment on the proposed rules and regulations and had previously established the deadline for the submission of written comments was November 28, 2013. The PUC received public comments from numerous individuals and organizations.

Subsequently, on December 6, 2013, the PUC met at an open meeting and considered the comments, accepting changes on a couple of matters, but found most of the comments addressed areas outside of the limited statutory authority set forth in the Notice of Proposed Rulemaking and did not finalize the regulations at the open meeting or make any further determination.

On December 20, 2013, the PUC met at an open meeting. No action was taken on the proposed regulations. No action has been taken on this docket for almost a year. The PUC has, so far, complied with all of the procedural requirements of the Administrative Procedures Act. Therefore, the only action left is to finalize the regulations or not finalize the rules and close the docket.

Commissioner Roberti noted that given the complicated issues, the Commission should consider either gathering more data or maintaining the status quo.

Chairperson Curran indicated that in her opinion, the problem with keeping the docket open to gather information is that the Commission is constrained from reaching out to all

interested parties, seeking input. The rules and regulations should conform to the actual legislative authority in state law. The question remains open that the proposed rules in their current form, may not fully reflect the public policy concerns of the legislature and may have unintended consequences, particularly in the absence of DPUC debt collection rules. Further analysis is needed to ensure that the PUC's regulations fully comply with the PUC's statutory authority and meet the public policy goals set forth by the General Assembly particularly in the last few years.

Therefore, in the interim, she invited the Division to promulgate its reasonable debt collection rules. At the conclusion, if there are outstanding issues, the PUC can determine whether its rules would need any additional language regarding, not debt collection, but limits on termination and whether there is statutory authority to promulgate such rules.

Commissioner Roberti recognized the bifurcation of jurisdiction between the Division and Commission and indicated that he thought the Division was trying to do what was in its statutory authority, but that he would defer to the Chairperson if she thought more was needed from the PUC. He did not think the PUC should put forth anything that would cause a firestorm at this time.

Chairperson Curran agreed that while as attorneys, the PUC may be concerned with conforming to the law, but that the PUC needs to ensure that the rules also conform to public policy concerns through the protections that remain. She moved not to finalize the proposed rules and regulations and to close the docket, seconded by Commissioner Roberti. **Vote 3-0.**

**4530 – Verizon Rhode Island** – Verizon filed an Interconnection Agreement executed between Verizon New England d/b/a Verizon RI and Wide Voice, LLC. The ICA represents a wholesale agreement negotiated between the companies for interconnection, services or network elements. The Division filed a memorandum recommending adoption of the ICA. Commissioner DeSimone moved approval, seconded by Commissioner Roberti. **Vote 3-0.**

**4406 – Providence Water Supply Board (PWSB)** – PWSB filed on November 12, 2014 a Motion to Reopen Proceeding to Utilize Revised Consumption to Establish a Revised Commercial Rate. PWSB's motion includes proposed tariff change to metered retail commercial rate for effect December 12. Ms. Wilson-Frias summarized the filing and procedural schedule. After seeking clarification that the PUC would review the request at a hearing on January 6, 2015, Commissioner DeSimone moved to suspend, seconded by Commissioner Roberti. **Vote 3-0.**

**4533 – Newport Water Division** – Newport Water filed on October 30, 2014 a tariff advice filing to change its Terms and Conditions. Specifically, Newport Water proposed to change its procedures regarding the notification to customers of past due balances and water service termination. The Division filed a memorandum summarizing its review and finding that the filing complies with the Division's "Rules and Regulations

Prescribing Standards for Water Utilities”. Ms. Wilson-Frias summarized the filing as well as the termination procedures followed by other water utilities. Recognizing that customers had received adequate notice, Commissioner DeSimone expressed concern about the reduction of time between the billing date and potential termination date by 15 days so soon after the change from quarterly to monthly billing. He opined that the move may cause customer confusion. Therefore, he proposed approving the change effective July 1, 2015. Commissioner Roberti questioned why Newport Water had not filed the proposed change simultaneously with its request to move to monthly billing and agreed a delay in implementation may be appropriate. Chairperson Curran noted that the proposal may result in some small cost saving, but agreed to delay. Commissioner DeSimone moved approval of Newport Water’s change to its shut off procedures effective July 1, 2015, seconded by Commissioner Roberti. **Vote 3-0.**

**4524 – NextSun Energy North Smithfield, LLC** – NextSun Energy filed an application for certification of the NextSun Energy North Smithfield Solar Generation Unit, a 0.850 kW solar energy generation unit located in North Smithfield, Rhode Island, as an eligible New Renewable Energy Resource. Commissioner Roberti moved approval of the application conditional on the Company providing the Generation Unit’s NEPOOL-GIS Asset Identification Number when it is assigned, seconded by Commissioner DeSimone. **Vote 3-0.**

#### **Gas Marketers Dockets**

The following companies filed an application for authority to transact as a gas marketer. The Division filed a memorandum summarizing its review and recommending approval of:

- Docket No. 2379(K3) – Agera Energy LLC
- Docket No. 2379(L3) – Blue & Silver Energy Consulting, LLC d/b/a Pro-Star Energy.

Commissioner DeSimone moved approval of both applications, seconded by Commissioner Roberti. **Vote 3-0.**

The meeting adjourned at 1:30 P.M.