



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PUBLIC UTILITIES COMMISSION
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Chairperson Margaret E. Curran
Commissioner Paul J. Roberti
Commissioner Herbert F. DeSimone, Jr.

MEMORANDUM

To: Seth Handy, Esq. and Tom Teehan, Esq.
From: Cindy Wilson-Frias, Senior Legal Counsel
Date: February 12, 2014
Re: Docket No. 4483 – Petition of Wind Energy Development, LLC and ACP Land, LLC
Relating to Interconnection

Thank you for attending today's meeting to discuss the process related to National Grid Tariff R.I.P.U.C. 2078 (Standards for Connecting Distributed Generation). On behalf of his clients, Mr. Handy filed a Petition under Section 9.1 of the tariff, Mediation/Non-binding Arbitration. Because this is the first such filing received by the Commission, there was an agreement by the parties that the schedule could be somewhat more flexible than that contained in the tariff. At the meeting, we discussed the provisions in Section 9, particularly, Section 9.2.b which allows a Commission staff person to assist the parties in attempting to resolve outstanding differences.

We agreed that there was not yet sufficient information for me, as the staff member assigned to oversee the mediation/non-binding arbitration process, to assist. Furthermore, there was interest by both parties in attempting to resolve the issues with my assistance before going forward with an outside mediation. Therefore, we set a schedule to gather more information for discussion at a future meeting. If, at any time, a party believes the process is not productive, that party may request the list of mediators and move forward with a third-party neutral.

There are four issues in dispute:

1. Whether National Grid is charging a pass through interconnection tax from which these projects are exempt pursuant to federal law
2. Whether National Grid is charging more than their cost of conducting interconnections
3. Whether National Grid is charging more than their cost of conducting interconnection studies
4. Whether National Grid is producing timely studies

With regard to the scope of review, taking into account the Commission's jurisdiction, issues 2-4, are squarely within the Commission's jurisdiction. With regard to issue 1, whether National Grid is charging an improper/unreasonable charge is within the Commission's jurisdiction. I also believe the issue may be appropriate for mediation in this context. However, the Commission does not sit as a tax court and in assisting the parties on this issue I believe it would be outside of my expertise and arguably, the jurisdiction of the Commission to determine whether National Grid has tax liability.

The following schedule was agreed to:

2/14/14 National Grid's Response to the Petition (hard copy before 4 p.m.)
2/19/14 Commission Staff data requests to parties
2/28/14 Responses to data requests (hard copy before 4 p.m.)
3/7/14 9:30 a.m. – Meeting with parties
(Next steps to be identified at close of this meeting)

An original and one hard copy of each submission shall be made to Luly Massaro. Ms. Massaro will also need an electronic copy. The hard copy will be maintained in the docket, but will not be posted on the website until the matter goes before the Commission. Please be aware that all documents will be made publicly available at some point. Therefore, to the extent a party is seeking confidential/proprietary treatment of a document, the normal procedure for making such claims must be followed.

I will advise the parties as soon as I know whether I believe it would be helpful to have witnesses at the March 7th meeting in addition to legal counsel. Likewise, if counsel is planning to bring witnesses, they should identify those individuals as soon as possible. My current plan is for this to be a meeting where we discuss the issues.

As always, if there are any questions, please do not hesitate to contact me.