

**Luly Massaro - Re: Commission's NPP Rules**

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**From:** Cynthia WilsonFrias  
**To:** John Spirito  
**Date:** 7/16/2014 10:46 AM  
**Subject:** Re: Commission's NPP Rules  
**CC:** John Bell; Leo Wold; Massaro, Luly; Steve Scialabba; Thomas Ahern; ...

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Hi John,  
Thanks for the email. The matter has been added to tomorrow's open meeting for discussion purposes.  
Thanks, Cindy

>>> John Spirito 7/16/2014 10:13 AM >>>  
Hi Cindy,

I am sending this e-mail as a follow-up to our brief conversation yesterday.

As discussed, I have noticed an inconsistency in the Commission's proposed NPP Rules that I believe ought to be corrected prior to formal adoption. Specifically, it is apparent from the amendments proposed by the Commission that the intent of the Commission is to have the Division enforce the Commission's NPP Rules pursuant to "the Division's jurisdiction under the Division's Rules Applicable to Nonregulated Power Producers..." The Commission amended Rules also make it clear that "any decision of the Division issued in conformance with the Division's Regulations shall be final and binding upon the parties unless appealed under the Rhode Island [APA]."

However, the Commission's proposed amended Rules still contain original language in Section H(2) that suggests that the Division must pursue perceived violations of the Commission's NPP Rules by filing a complaint with the Commission and then litigating said complaint before the Commission. The retention of this original language clearly creates a conflict within the Commission's amended Rules, which now generally defer all NPP-related complaints and the enforcement of Commission and Division NPP Rules to the Division.

Please advise if you agree or not and whether the Commission requires any additional materials from the Division.

Regards,  
John

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