

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

IN RE:  
PROPOSAL OF NATIONAL GRID TO  
BID CAPACITY ACQUIRED FROM  
DISTRIBUTED RENEWABLE RESOURCES  
INTO ISO-NE'S FORWARD CAPACITY MARKET

Docket No. 4676

**UNOPPOSED MOTION FOR INTERVENTION  
OF CONSERVATION LAW FOUNDATION**

I. Introduction

The Conservation Law Foundation (CLF), pursuant to Public Utility Commission (PUC or the Commission) Rules of Practice and Procedure 1.13(a) and (b), respectfully files its Motion for Intervention in this Docket.

On November 21, 2016, the Narragansett Electric Company, d/b/a National Grid (Grid) filed with the PUC its "Proposal to Bid Capacity of Customer-Owned DG Facilities into the Forward Capacity Market," which Forward Capacity Market (FCM) is operated by ISO-New England. In response to Grid's filing, the PUC opened this Docket # 4676.

Pursuant to PUC Rule of Practice and Procedure 1.15(b), CLF contacted National Grid (Grid), and the Division of Public Utilities and Carriers (the Division) to determine whether either of these has an objection to CLF's proposed intervention in this Docket. Both entities replied that they have no objection.

## 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).

This Docket relates to the ISO's FCM, with which CLF is intimately familiar. CLF is a Market Participant in the New England Power Pool (NEPOOL), the stakeholder entity associated

with the ISO. CLF lawyers participate actively in a wide range of ISO and NEPOOL committees, and are regularly involved in the discussions associated with effecting changes in the FCM rules, including relatively recent changes implementing a so-called “Pay for Performance” (PFP) obligation in the FCM. That PFP mandate will be a relevant factor in the PUC’s consideration of the pending proposal from Grid.

### 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 . . . .”

As noted above, CLF has contacted Grid and the Division to determine whether any of these has an objection to CLF’s proposed intervention in this Docket. Both replied that they have no objection.

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

CLF is a membership organization, and CLF members are involved in developing and owning distributed-generation renewable energy facilities in Rhode Island. Accordingly, these

CLF members have a keen interest in the outcome of this proceeding and in rulings made by the Commission in this proceeding.

The first paragraph of Grid's November 21, 2016 submission to the PUC reflects that the capacity that Grid wants to bid into the ISO's FCM was acquired pursuant to the terms of two separate Rhode Island statutes that have been administered by the PUC: (1) the DG Standard Contracts statute, R. I. Gen. Laws § 39-26.2-1, et seq.; and (2) the Renewable Energy Growth Program, R. I. Gen. Laws § 39-26.6-1, et seq. A CLF staff attorneys was a principal author of both of these renewable energy statutes. Accordingly, CLF, and its members, have a close interest in dockets pertaining to implementation of those statutes.

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 distributed generation.

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 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).

CLF has extensive experience with matters related to renewable energy in general and, more specifically, related to implementation of renewable energy laws in Rhode Island.

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 Docket 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 mailed to 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 November 29, 2016. I certify that all of the foregoing was done on December 1, 2016.

A handwritten signature in black ink, appearing to read "Joseph P. [unclear]", is written over a solid horizontal line. The signature is cursive and extends to the right of the line.