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February 5, 2018

Via Electronic Mail and Hand Delivery

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

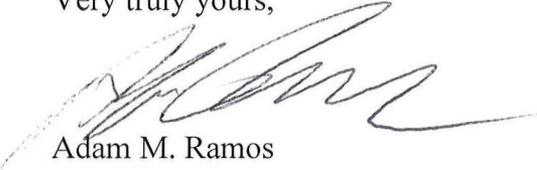
Re: Docket 4770 – Application of The Narragansett Electric Company d/b/a National Grid for Approval of a Change in Electric and Gas Base Distribution Rates

Dear Ms. Massaro:

Enclosed for filing in the above-referenced matter are ten (10) copies of National Grid's Objection to Wal-Mart Stores East, L.P. and Sam's East, Inc.'s Motion to Intervene.

Thank you for your attention to this matter.

Very truly yours,



Adam M. Ramos

AMR:cw
Enclosures

cc: Docket No. 4770 Service List (electronically only)

57450278 (57972.174791)

Docket No. 4770 - National Grid – Rate Application
Service list updated 1/11/2018

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**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BEFORE THE PUBLIC UTILITIES COMMISSION**

IN RE: THE NARRAGANSETT ELECTRIC COMPANY)	Docket No. 4770
d/b/a NATIONAL GRID – ELECTRIC AND GAS)	
DISTRIBUTION RATE FILING)	
_____)	

**NATIONAL GRID’S OBJECTION TO WAL-MART STORES EAST, L.P. AND
SAM’S EAST, INC.’S MOTION TO INTERVENE**

I. INTRODUCTION

The Company¹ hereby objects to Wal-Mart Stores East, L.P.’s and Sam’s East, Inc.’s (collectively, Walmart) Motion to Intervene (the Motion). Walmart does not meet the criteria prescribed by Rule 1.13 of the Rhode Island Public Utilities Commission (PUC) Rules of Practice and Procedure to intervene in this matter. In particular, Walmart has no: (1) statutory right of intervention; (2) particularized interest in this matter that is not adequately represented by existing parties; or (3) claim that its intervention is necessary for the public interest. Thus, the PUC should deny Walmart’s Motion.

II. RELEVANT FACTS

The purpose of this docket is for the PUC to evaluate and adjudicate the Company’s request to increase its base distribution rates for its regulated gas and electric distribution businesses to meet its revenue requirements and provide a fair and reasonable rate of return. The Company’s proposals are designed to comply with the existing regulatory framework. This proceeding is not a far-reaching stakeholder process intended for multiple parties to make alternate proposals as to how rates should be designed.

¹ The Narragansett Electric Company d/b/a National Grid (the Company).

Walmart filed the Motion on January 26, 2018. In the Motion, Walmart asserts purported reasons that it claims create a unique interest that warrants intervention. Those reasons essentially amount to: (1) it is a large customer; and (2) it invests heavily in demand response and energy efficiency initiatives. Walmart does not, however, differentiate itself from other similar customers. Rather, it asserts, without support, that its interests (and the interests of its class) will not be sufficiently represented by the Division of Public Utilities and Carriers (Division) in its role as consumer advocate. Ultimately, Walmart asserts that it should be permitted to intervene because its rates will be impacted by the outcome of this proceeding. Moreover, Walmart contends that it will introduce its unique expertise gained from its participation in regulatory dockets elsewhere relating to electric rate design.

Those parties who have been permitted to intervene without objection either: (a) have a statutory right to intervene (such as the Division and Office of Energy Resources); (b) are public interest groups (such as the Conservation Law Foundation, People's Power and Light, the Acadia Center, the Northeast Clean Energy Council, and the George Wiley Center) with specific policy and customer issues for which they advocate that are directly impacted by the Company's distribution rates and cannot otherwise adequately be represented by existing parties; or (c) the Department of the Navy, which is a unique federal government customer with interests that differ from every other customer. Walmart, on the other hand, is one of many large customers that participate in demand response programs and energy efficiency. It does not have a unique interest that separates it from any other similarly situated customer. Nor is Walmart a representative of such customers. Rather, it is a single customer of the Company, and the Motion fails to demonstrate how its interests are different and unique from other similarly situated customers.

III. LEGAL STANDARD

Rule 1.13 of the PUC Rules of Practice and Procedure establishes the standards for a person to intervene as a party in a proceeding before the PUC. There are three means by which a person can establish intervener status: (1) a statutory right; (2) an affected interest not adequately represented by existing parties; and (3) furtherance of the public interest. The PUC has reiterated that it will be cautious in granting intervener status and will work to ensure that a movant actually meets one of the three criteria established in PUC Rule 1.13(b). See Narragansett Electric Company, Docket No. 3739, Order No. 18794, at 17 (December 27, 2006) (citing, In Re: Hi-Speed Ferry, LLC, 746 A.2d 1240, 1245-1246 (R.I. 2000)). Moreover, if a person is permitted to intervene, that intervener ordinarily shall not be permitted to broaden the issues in the docket absent a showing that such broadening is both in the public interest and will not result in undue hardship. Rule 1.13(f) (addressing late interveners).

IV. ARGUMENT

Walmart does not satisfy any of the Rule 1.13 criteria for intervention. Simply put, Walmart has no: (a) statutory right to intervene; (b) particularized interest that requires special representation in this docket beyond the existing parties; nor (c) public interest reason for intervening.

A. Walmart Has No Statutory Right To Intervene

Walmart does not even contend that it has a statutory right to intervene. There is no statute that would provide such a right. Thus, Rule 1.13(a) cannot be the basis for Walmart's attempted intervention.

B. Walmart's Interests Do Not Require Intervention

The Motion attempts to articulate three general reasons Walmart should be permitted to intervene: (1) the Company's filing will increase Walmart's electric bills; (2) Walmart invests heavily in demand response and energy efficiency; and (3) the existing parties, including the Division, will not advocate adequately for the interests of large retail customers. None of these reasons provides a basis for permitting Walmart to intervene in this docket.

1. Walmart's Interest in Increases in its Electric Bills is the same as any other Customer

Walmart's concern that its electric bills could increase as a result of this docket is not unique. That is precisely the concern and interest of every customer. If that interest was sufficient to permit a party to intervene, then every person who purchases electricity or gas from the Company would be permitted to intervene in every docket that could result in increases (or indeed any changes to) the rates charged by the Company. Such a standard is unworkable and would run against the PUC's admonition that intervention should not result in undue hardship. PUC Rule 1.13(f). There is a public comment process that permits anyone who is interested to make its concerns known to the PUC, the Company, and the parties. The Division is charged with representing the interests of all customers, and any customer who has concerns has an advocate in the Division, which will hear any particularized concerns raised by public comment. Simply put, the fact that someone's rates will be impacted by a proceeding is not, in and of itself, a basis for a person to obtain intervening party status.

2. Walmart's Interests in Demand Response and Energy Efficiency are not Unique and are Adequately Represented by the Existing Parties

Walmart's demand response and energy efficiency interests are not unique. Many customers participate in the Company's demand response and energy efficiency programs.

Several of the existing parties in this docket already are expressly intervening in connection with these issues. See e.g., Motion for Intervention of The Energy Consumers Alliance of New England (People’s Power and Light); Unopposed Motion to Intervene of Acadia Center; Northeast Clean Energy Council’s Motion to Intervene. Walmart has not articulated how its particular interests in energy efficiency programs and demand response programs differ from the interests that will be represented by these public interest groups that are specifically advocating on these issues. Similarly, Walmart has not provided any basis to conclude that its energy efficiency and demand response interests differ from those of customers who participate in these programs generally. Thus, Walmart’s interests in these areas do not create a basis to intervene as a party in this proceeding.

3. Walmart should not be Permitted to Intervene to Represent the Interests of Large Retailers Generally

Walmart indicates that its interests are likely the same as other similarly situated customers. It argues that “it will provide the perspective of a large national retailer within the context of a specific case[,]” and that “[r]epresentatives from each customer class should have the opportunity to present a case that advances the perspectives of each class.” Motion at 3, ¶¶ 6, 8. Walmart, however, is not charged with representing the interests of other similarly situated customers in the large retail sector. None of Walmart’s competitors have designated Walmart as their voice in these proceedings. Unlike the various public interest groups that are participating in this proceeding as intervening parties, Walmart does not have as one of its purposes to represent the interests of the large retail industry. It is a large private corporation that acts on its own behalf (which, as noted above, does not give it a right to participate in this docket as a party). Regardless of its past participation in regulatory proceedings in other jurisdictions, or its purported experience in addressing electric rate design issues, there is no basis in the Motion to

conclude that Walmart is an appropriate party to provide the perspective of large retailers. Also, there is no reason for the PUC to believe that any perspective Walmart provides would be those of anyone other than Walmart itself.

Moreover, Walmart provides nothing other than its own bald assertions for the proposition that the Division would not adequately represent Walmart's interests as a large retailer. The Division is charged with representing consumers. Without any explanation, Walmart simply states that it thinks it is impossible for one party to represent the interests of all customer classes. That, however, is the Division's role. Without receiving a foundation for a contrary conclusion, the PUC should not simply accept Walmart's statement that it will not be adequately represented by the Division. In fact, there are retailer organizations (such as the National Retail Federation, of which Walmart is a member), and none of those organizations saw fit to seek to intervene on behalf of the unified interests of large national retailers. As such, the PUC should conclude that Walmart's purported interest in intervening to provide the perspective of a large retailer is insufficient to justify intervention.

Additionally, Walmart's previous participation in Docket No. 4568 is irrelevant. The Company's lack of an objection in a particular docket does not preclude it from asserting an objection in a subsequent docket. Denying Walmart party status here does not preclude its participation altogether. It still will be able to provide public comment, and the Company remains committed to engaging with its stakeholders informally on all matters.

C. The Public Interest does not require Walmart's intervention

Although Walmart claims that its intervention will be in the public interest, it makes no argument about why its particular involvement will be necessary to protect the public interest. Instead, Walmart merely states: "because Walmart's participation in this case is intended to

assist the Commission in establishing just and reasonable rates for National Grid and its ratepayers, it is in the public interest for Walmart to be granted intervenor status.” That proclamation is wholly unsupported. In fact, Walmart concedes in the Motion that “[t]he Division does an excellent job of representing the public interest[.]” Therefore, Walmart acknowledges that the Division, as the consumer advocate, can adequately represent the public interests in this proceeding. Adding Walmart as a party, consequently, would likely do nothing more than undermine the administrative efficiency of the proceeding.

V. CONCLUSION

For the reasons set forth herein, the Company respectfully requests that the PUC deny Walmart’s motion to intervene.

Respectfully submitted,

THE NARRAGANSETT ELECTRIC COMPANY

By its attorneys,



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Dated: February 5, 2018