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February 8, 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 4780 - The Narragansett Electric Company d/b/a National Grid's Proposed Power Sector Transformation (PST) Vision and Implementation Plan**

Dear Ms. Massaro:

Enclosed for filing in the above-referenced matter are ten (10) copies of National Grid's Objection to Motion to Intervene by Direct Energy Business, LLC, Direct Energy Services, LLC, and Direct Energy Solar.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Adam M. Ramos".

Adam M. Ramos

AMR:cw  
Enclosures

cc: Docket No. 4780 Service List (electronically only)

57464394 (57972.174868)

**Docket No. 4780 - National Grid – Power Sector Transformation Filing**  
**Service list updated 2/2/2018**

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

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IN RE: The Narragansett Electric Company d/b/a National )  
Grid's Proposed Power Sector Transformation ) Docket No. 4780  
(PST) Vision and Implementation Plan )  
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**NATIONAL GRID'S OBJECTION TO  
MOTION TO INTERVENE BY DIRECT ENERGY BUSINESS, LLC,  
DIRECT ENERGY SERVICES, LLC, AND DIRECT ENERGY SOLAR**

**I. INTRODUCTION**

The Company<sup>1</sup> hereby objects to the Motion to Intervene (the Motion) by Direct Energy Business, LLC, Direct Energy Services, LLC, and Direct Energy Solar (collectively, Direct Energy). Direct Energy 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, Direct Energy 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. Further, Direct Energy's Motion demonstrates that it intends to improperly expand the scope of this docket and, therefore, unduly burden the PUC and the parties to this proceeding. The PUC, therefore, should deny Direct Energy's Motion.

**II. RELEVANT FACTS**

The PUC opened this separate docket to consider the Company's Power Sector Transformation Plan after it was included originally as part of Docket 4770 in connection with the Company's request for an increase in the Company's gas and electric base distribution rates. When the PUC decided to separate the Power Sector Transformation Plan into this separate

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

docket, it did so to permit the PUC to review and assess the Company's Power Sector Transformation proposals separate and apart from the rate case docket. The purpose of this docket is for the PUC and the other parties to review and analyze the Company's Power Sector Transformation proposals. It is not a far-reaching stakeholder process intended for multiple parties to make alternate proposals as to how Rhode Island's power sector should be transformed.

Direct Energy filed the Motion on January 29, 2018. In the Motion, Direct Energy asserts that it "has a direct interest in the proceeding and will be substantially and specifically affected by the PUC's decision regarding National Grid's proposed increases in distribution rates" because it "does business throughout National Grid's service territory." Motion at ¶ 8. The Motion, however, includes no explanation regarding what interest Direct Energy refers to in this regard, or how the proposed base distribution rate increases impact the unexplained interest. Additionally, Direct Energy claims that "National Grid has made many proposals that could directly and substantially affect Direct Energy and its ability to provide competitive energy and distributed energy resources to customers in the National Grid service territory." Motion at ¶ 8. The Motion, however, does not identify any of the proposals that raise this concern or explain how any proposal might affect Direct Energy. Finally, Direct Energy claims that its "dual status as a national competitive retail electricity supplier as well as a leading solar and clean energy developer gives it a unique perspective that is likely to benefit the Commission as it reviews National Grid's PST Plan." Motion at ¶ 9. But, it does not explain at all how that translates to a unique interest in this proceeding.

Most of the Motion consists of Direct Energy explaining its claimed expertise it has "related to topics such as energy efficiency, distributed and grid-scale clean and renewable

energy, . . . [and] the implementation of state policy, regulation, and laws affecting these resources and the companies that provide them.” Motion at ¶ 4. Direct Energy touts its participation in Docket 4600, and asserts that it “will advocate for ensuring that the details of utility-driven plans are competitively neutral and not designed or funded in a manner unduly disadvantageous to retail electricity suppliers or other third-party suppliers especially around DER initiatives, such as, energy storage, renewable energy, and energy saving or management devices for commercial and residential use[.]” Motion at ¶¶ 5, 6. Direct Energy specifically states that it will raise issues regarding: (1) supplier consolidated billing, (2) future grid functionality and pathways, and (3) distribution system planning if it is permitted to intervene as a party in this docket. Nowhere in the motion, however, does Direct Energy articulate how it has a unique interest in this docket that requires representation related to any of these areas. Nor does Direct Energy provide any support for the position that it is an appropriate representative of specific interests related to retail electricity suppliers as a group, if any such interests exist.

Those parties who have been permitted to intervene in this docket without objection either: (a) have a statutory right to intervene (such as the Division of Public Utilities and Carriers (Division)); (b) are public interest groups (such as Conservation Law Foundation, People’s Power and Light, Acadia Center, Northeast Clean Energy Council, and George Wiley Center) with specific policy and customer issues for which they advocate that are directly impacted by the Company’s base 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. Direct Energy, on the other hand, is one of many retail electricity suppliers and participants in the distributed energy and renewable energy sectors. Additionally, Direct Energy is one of many participants in the

Docket 4600 stakeholder process. It does not have a unique interest that separates it from any other similarly situated entity. Nor is Direct Energy a representative of similarly situated entities. Rather, it is a single party interested in the outcome of this proceeding, but the Motion fails to demonstrate how its interests are different and unique such that it should be permitted to participate in this proceeding as a party.

### **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 The 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**

Direct Energy does not satisfy any of the Rule 1.13 criteria for intervention. Simply put, Direct Energy 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. Further, Direct Energy should not be permitted to expand the scope of the proceeding.

**A. Direct Energy Has No Statutory Right To Intervene**

Direct Energy 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 Direct Energy's attempted intervention.

**B. Direct Energy Has No Unique Interest That Requires Intervention**

The Motion fails to articulate a unique interest that would create a reason for Direct Energy to be permitted to intervene. Rather, the Motion includes only broad unsupported statements about Direct Energy's interests that do not satisfy the Rule 1.13 standard. Further, Direct Energy's description of its intended advocacy in this proceeding: (a) reflects an improper expansion of the issues before the PUC, (b) includes interests already represented by existing parties, and (c) purports to be on behalf of similarly situated parties without providing a basis for Direct Energy to serve as a representative of such parties. Allowing Direct Energy to intervene as a party in this matter would undermine the concept of there being restrictions on persons that are permitted to intervene and would open the door to all third-party suppliers to serve as interveners in any PUC proceeding.

**1. Direct Energy Seeks to Improperly Expand the Scope of the Docket – Not Protect any Unique Interest Potentially Affected by the Outcome**

Direct Energy's assertion that it will address issues related to: (1) supplier consolidated billing, (2) future grid functionality and pathways, and (3) distribution system planning demonstrates an intent to improperly expand the scope of the proceeding, thereby creating an undue hardship for the existing parties and the PUC. Supplier consolidated billing has not been proposed by the Company as part of its PST proposals. Similarly, Direct Energy's assertion that it will "ensure development of clear standards and protocols" for evaluating costs and benefits of future grid functionality and pathways is simply not a part of this docket. Moreover, Direct

Energy's proposed advocacy related to distribution system planning seeks to add an issue in the proceeding that is not currently a part of the Company's proposal. Lastly, Direct Energy's assertion that it has a unique perspective as both a competitive supplier and an energy developer (and that it has experience in other grid modernization dockets in other jurisdictions) does not state an interest that requires representation. Rather, Direct Energy's Motion demonstrates that it wants to continue making arguments that it has been making in stakeholder proceedings about how the regulatory framework should be set up. This is not, however, a proceeding where stakeholders are invited to "contribute to the Commission's understanding" of the framework that arose out of Docket 4600.

Simply put, the Power Sector Transformation docket is not a continuation of Docket 4600. The fact that any issue was raised and addressed in that stakeholder proceeding does not mean that there should be continued back and forth stakeholder discussion about the framework that was created from Docket 4600 as a part of this docket. Rather, this docket is for consideration of the Company's Power Sector Transformation proposals and whether those proposals comport with the existing regulatory framework, including the PUC's Guidance Document generated as a result of Docket 4600.

Docket 4600 was a stakeholder process, not an adjudicatory proceeding. Neither Direct Energy (nor anyone else) has a right to participate in this proceeding because of participation in Docket 4600. Rather, Direct Energy must carry the burden of demonstrating that it has a unique and unrepresented interest that will be affected by the outcome of this docket. Direct Energy's Motion demonstrates that it has an interest only in continuing to discuss and address how certain issues from Docket 4600 should be implemented. Direct Energy has not made a showing of how the Company's proposals in this docket might impact its interests. Therefore, allowing Direct

Energy to intervene here would undermine the standard set by Rule 1.13 for intervention and would run counter to the PUC's admonition that intervention should not result in undue hardship. PUC Rule 1.13(f).

The PUC has established a public comment process whereby anyone who is interested in a docket may make its concerns known to the PUC, the Company, and the parties. Direct Energy can avail itself of this process to be heard; however, it should not be made a party to this proceeding.

**2. Other Parties Already are Representing Interests in Energy Efficiency, Renewable Energy, and Implementation of State Policy Goals**

Direct Energy claims that it has specific expertise that it can offer in connection with energy efficiency, renewable energy, and implementation of state policy goals for the electric distribution system. Even if this expertise created an interest that might warrant intervention (which it does not), existing parties already are advocating in connection with these issues.<sup>2</sup> 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. Direct Energy has not articulated how its particular interests in energy efficiency programs, renewable energy, and policy implementation differ from the interests that will be represented by these public interest groups. Rather, Direct Energy simply asserts that "to the best of [its] knowledge" the existing parties will not adequately represent its interests on these issues. That is insufficient to satisfy the intervention standard. Thus, Direct Energy's interests in these areas do not create a basis to intervene as a party in this proceeding.

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<sup>2</sup> Further, Direct Energy seems to be positioning itself as an independent expert on issues. It is inappropriate for a party to intervene to provide general advice on how to proceed unrelated to a specific unique interest. Moreover, there is no basis from which the PUC can conclude that Direct Energy even has the expertise it purports to have.

### **3. Direct Energy should not be Permitted to Intervene to Represent the Interests of Third-Party Suppliers Generally**

Direct Energy indicates that its intervention will “ensur[e] that the details of utility-driven plans are competitively neutral and not designed or funded in a manner unduly disadvantageous to retail electricity suppliers or other third-party suppliers[.]” Direct Energy, however, is not charged with representing the interests of other similarly situated entities. None of Direct Energy’s competitors have designated Direct Energy as their voice in these proceedings. Unlike the various public interest groups that are participating in this proceeding as intervening parties, Direct Energy does not have as one of its purposes to represent the interests of third-party suppliers generally. Direct Energy is a large private corporation that acts on its own behalf. Regardless of its purported experience addressing issues that impact such suppliers, there is no basis in the Motion to conclude that Direct Energy is an appropriate party to provide the perspectives of these entities. There is no reason for the PUC to believe that any perspective Direct Energy provides would be that of anyone other than Direct Energy itself. And, as noted above, to the extent that Direct Energy has identified any specific interests in these proceedings, such interests already are represented adequately by existing parties.

#### **C. The Public Interest does not Require Direct Energy’s Intervention**

Direct Energy does not directly assert that its intervention would further the public interest, but, regardless, it does not. As noted above, Direct Energy has no basis to claim any level of independent expertise and has not demonstrated that it brings any unique public interest perspective that would not otherwise be addressed by the existing parties. Notably, the Division is charged with representing the public interest, and nothing in the Motion raises any doubt about the Division’s ability to fulfill its obligation to do so. Adding Direct Energy as a party,

consequently, would do nothing more than undermine the administrative efficiency of the proceeding – not further the public interest.

**V. CONCLUSION**

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

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC COMPANY**

By its attorneys,



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