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February 12, 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 The Company's Objection to New Energy Rhode Island's Motion for Reconsideration.

Thank you for your attention to this matter.

Very truly yours,



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**

IN RE: The Narragansett Electric Company d/b/a National)	Docket No. 4780
Grid's Proposed Power Sector Transformation)	
(PST) Vision and Implementation Plan)	
_____)	

**THE COMPANY'S OBJECTION TO NEW ENERGY RHODE ISLAND'S
MOTION FOR RECONSIDERATION**

I. INTRODUCTION

The Company¹ hereby objects to the New Energy Rhode Island's (NERI) Motion for Reconsideration (the Motion). The Rhode Island Public Utilities Commission (PUC) correctly and appropriately excluded NERI from participating in the technical sessions that have occurred to date in this docket. NERI's Motion ignores the clear procedure employed and communicated by the PUC. Moreover, NERI failed to avail itself of the process in a manner that would have completely avoided the uncertainty NERI faced with respect to its participation in the technical sessions. Finally, NERI's Motion is moot.

II. RELEVANT FACTS AND PROCEDURAL HISTORY

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. The PUC set the procedural schedule through a memorandum issued on December 21, 2017. That procedural schedule included, among other things: (1) the dates of each of the technical sessions to be held, and (2) the deadline for potential parties to file motions to intervene. The memorandum also included the following guidance: "Only parties may engage in the Technical Session discussion."

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

Several potential parties filed motions to intervene shortly thereafter. NERI, however, failed to file its motion to intervene until January 22, 2018 – fewer than ten (10) days before the PUC had scheduled two of the five technical sessions to take place. PUC Rule 1.15(d) provides parties with ten (10) days to file objections to any motions filed.

On January 25, 2018, the PUC sent an email to the entire service list setting forth which of the potential intervenors had become parties because their motions were unopposed, and which intervenors were not yet parties. That email indicated that NERI's motion was not assented to, and therefore NERI was not (and currently is not) a party. Nevertheless, NERI attempted to participate as a party in the technical session that took place on January 26, 2018, and the PUC, relying on its previous direction regarding these proceedings, declined to permit NERI to do so. Notably, NERI declined to take advantage of the opportunity to provide public comments, which was afforded to any member of the public at the conclusion of the technical session.

Subsequently, NERI filed the Motion seeking a stay of proceedings until the PUC ruled on NERI's motion to intervene. Since that time, the PUC has conducted two additional technical sessions (on January 31 and on February 8). NERI had representatives attend each session, but again did not participate through the opportunity to provide public comment. Now, NERI's motion to intervene is scheduled for oral argument on February 14, 2018, and the PUC has indicated that it will decide that motion at the time of the oral argument. The two remaining scheduled technical sessions will take place on February 20, 2018, and February 21, 2018 – after the PUC decides whether NERI will have party status.

III. ARGUMENT

The PUC Rules of Practice and Procedure do not provide a mechanism for a motion for reconsideration. Typically, on a motion for reconsideration, “the party requesting the relief must make a showing that there is new evidence that could not have reasonably been presented during the proceedings or prior to the Commission's decision, or that the facts and circumstances have changed so significantly as to warrant a revisiting of the issues in dispute.” In Re Glob. Naps, Inc., Order No. 17465, 2003 WL 22183895 (Public Utilities Commission May 21, 2003). Additionally, a motion is considered moot when reaching a decision on the issue would not have an impact on the proceeding. See In re Narragansett Electric Company d/b/a National Grid’s Proposed Revenue Decoupling Mechanism, 297 P.U.R.4th 305 (Public Utilities Commission May 25, 2012) (declining to address Division arguments because issue already had been decided through other rulings in the case).

Here, NERI has completely failed to demonstrate that there is any new evidence that could not reasonably have been presented before the PUC initially rejected its participation in the technical sessions. In fact, NERI does not argue that it meets the standard for reconsideration. Rather, NERI simply asks that the PUC change its mind about its initial decision, essentially asserting that its exclusion from the technical sessions was unfair. Even if this argument could support a motion for consideration (which it cannot), it is clear that the PUC’s decision in the first instance was correct.

The PUC provided clear direction regarding the procedure for intervention and participation in technical sessions in this case. Anyone who wanted to seek to intervene as a party in this docket had ample opportunity to do so in advance of the scheduled technical sessions – despite the fact that the final deadline to seek to intervene fell after the first of the

scheduled technical sessions. NERI could have filed its motion to intervene well in advance of the first of the technical sessions and had any objections to its motion adjudicated before the technical sessions began. It chose not to do so. The PUC made it clear that only parties would be permitted to participate in technical sessions. NERI was not (and currently is not) a party. The PUC clearly communicated to NERI that it was not a party in advance of the first technical session through a communication directly stating that, unlike several other parties who sought to intervene, NERI's motion was not assented to by all parties. Because NERI chose not to file its motion to intervene until January 22, 2018, the ten-day objection period did not expire until after the first two technical sessions took place. NERI's delay in moving to intervene does not reduce the rights of other parties to exercise their right to object within the timeframe permitted under Rule 1.15. Accordingly, the PUC acted properly when it declined to permit NERI to participate.²

Regardless, NERI's motion for reconsideration is now moot. Two technical sessions have occurred since NERI filed the Motion. There are two technical sessions remaining, but the PUC will rule on NERI's motion to intervene before those technical sessions take place. There is nothing for the PUC to stay pending consideration of NERI's motion to intervene, and there is no opportunity for the PUC to change course and permit NERI to participate in a technical session while its motion remains pending. Accordingly, the PUC should deny the motion as moot.

IV. CONCLUSION

For the reasons set forth herein, the Company respectfully requests that the PUC deny NERI's motion to intervene, or, alternatively, impose limitations on the scope of NERI's participation as a party.

² NERI is not the only potential intervenor that faced an objection, and thus is not yet considered a party and would not have been permitted to participate in the technical sessions. Rather, NERI is simply the only potential intervenor that attempted to circumvent the procedure established by the PUC to manage this docket

Respectfully submitted,

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