

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

**IN RE: THE NARRAGANSETT ELECTRIC :
COMPANY d/b/a NATIONAL GRID : DOCKET NO. 4790
NET METERING PROVISION :
RIPUC NO. 2207 :**

THE STATE OF RHODE ISLAND DIVISION OF PUBLIC UTILITIES & CARRIERS
RESPONSES TO THE COMMISSION'S FIRST SET OF DATA REQUESTS
DIRECTED TO THE DIVISION
June 7, 2018
(Please respond by June 29, 2018)

Commission Request

1-1. Please explain why the proposed tariff revisions filed with the Commission on April 27, 2018 (Revisions), are in the best interest of developers and ratepayers.

Division Response-

The Division supported a recommendation to amend the original tariff based upon an issue raised by the intervenor, the Coalition for Community Access to Solar (CCSA), relating to language to extend the time deadlines for the expiration of capacity allocations issued by National Grid pursuant to the Community Net Metering Program. CCSA proposed an amendment to the tariff which would extend the 24-month deadline to reach commercial operation after securing an allocation of the Community Remote Net Metering Cap. Solar, anaerobic digestion, and small-scale hydro projects would start with 24-month, 36-month and 48-month deadlines, respectively, however these could be extended by 6-months twice for a total extension of 12 months. Additionally, if there were a legal challenge to getting a government permit outside the control of the Customer, the deadline would be extended for the length of the legal challenge.

The original provision in the tariff, left the developer and ratepayers exposed to loss or cancellation of a project, for example, for a delay during the permitting process or litigation which might be entirely beyond the developers control. The Division believes the original language was fundamentally unfair and left the developer's and ratepayers exposed to financial risk for possible forfeiture of their capacity allocation for reasons beyond their control. Provided however, developers have the obligation to otherwise comply with all Standards for Connecting Distributed Generation, Interconnection Rules and the Net Metering Tariff and this amendment does not abrogate any applicable requirements.

Commission Request

1-2. Did the Division solicit comments/feedback regarding the Revisions from developers who were not a party to this docket? If no, please explain how the interests of these developers were considered and addressed.

Division Response

No, the Division did not solicit comments or feedback from any developers who are not a party to this docket. The interest of all developers and ratepayers were considered, not just the parties in this docket, by the Division which led ultimately to its support of the proposed amendments of CCSA to the tariff here. What moved the Division to support the CCSA amendment of the tariff was the Division's recognition that developers will now be responsible for their own activities in the process and may limit the acts of a third party which result in delays and blocking of projects which potentially cause the forfeiture of a developer's cap allocation. This was accomplished by adding language tolling the expiration of commercial performance due to delays in the process which are caused by third party action beyond the control of the developers, thereby mitigating their development risk. Further, delays to a project for example, caused by strategic litigation instituted by a third party should not be cause for a developer to risk loss of financing or its project, a circumstance the Division deems inequitable. Provided however, developers have the obligation to otherwise comply with all Standards for Connecting Distributed Generation, Interconnection Rules and the Net Metering Tariff and this amendment does not abrogate any applicable requirements.

Prepared by Division Staff & Legal Counsel

Commission Request

1-3. Please explain how the Revisions ensure fair access to capacity under the 30 MW cap if the deadlines are extended indefinitely pending resolution of litigation proceedings?

Division Response

The Division incorporates by reference its response in Commission 1-2 herein. Further, there must be a level playing field and interests all concerned must be weighed. It is appropriate to weigh the safeguard in the revision here with the right of others to access to the program, in doing so, it would be unfair for cap space to be freed up for the next developer on the project list because a third party may have instituted strategic litigation geared to delay or derail a project. The scales tip in favor of a developer who has already expended financing and might find the project delayed through no fault of its own. This circumstance outweighs the interests of the developer, next on the list who has expended less presumably and has less at risk. It would be rare to see one project delay cause the denial of all access to other cap space. Provided however, developers have the obligation to otherwise comply with all Standards for Connecting Distributed Generation, Interconnection Rules and the Net Metering Tariff and this amendment does not abrogate any applicable requirements.

Prepared by Division Staff & Legal Counsel

Commission Request

1-4. Please comment on the following approaches to address the concern of fair access to capacity that is raised in Data Request 1-3, above:

- a. A developer may receive only one extension for a Permit Delay at a time. If a developer is awarded capacity for a second project, the developer would not be eligible to receive an extension for a Permit Delay for a subsequent project.
- b. Limit the total capacity allocation any one developer may be awarded under the 30 MW cap.
- c. Is there a better approach to ensure fair access to capacity?
- d. Since this is a limited capacity program, did the parties consider stricter requirements to be eligible to receive an award of capacity?

Division Response

- a. This could potentially compound the problem described by the Division in Response 1-3. If, for example, a third-party institutes strategic litigation which causes a delay or cessation of one of the developer's projects there could be a domino effect, if there is a second project, this approach could also halt that project. This could have arbitrary consequences.
- b. The Company is tasked with the implementation of the program, the program should be allowed to take its natural course before limitations are placed upon it.
- c. The Division is satisfied that the amendment proposed is appropriate, for the time being.
- d. No

Prepared by Division Staff & Legal Counsel

State of Rhode Island
Division of Public Utilities and
Carriers

By his attorney,



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Dated: June 29, 2018

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June 2018 that I transmitted an electronic copy of the within Data Responses to the attached service list and to Luly Massaro, Division Clerk via electronic mail.



Docket No. 4790 – National Grid – Net Metering Provision, RIPUC No. 2207

Service List updated 4/2/18

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