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February 14, 2019

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

**Re: *Docket No. 4890- The Narragansett Bay Commission
General Rate Filing***

Dear Ms. Massaro:

Enclosed please find an original and nine copies of:

1. The Narragansett Bay Commission's Response to the Motion To Intervene Out Of Time By The George Wiley Center.
2. The Narragansett Bay Commission's Response to the Motion To Intervene Out Of Time By The Rhode Island General Treasurer.

Please note that an electronic copy of these filings have been provided to the service list.

Thank you for your attention to this matter.

Sincerely,



Joseph A. Keough, Jr.

JAK/kf

cc: Docket 4890 Service List (*via electronic mail*)

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

IN RE: NARRAGANSETT BAY COMMISSION :
GENERAL RATE FILING : **Docket No. 4890**

**THE NARRAGANSETT BAY COMMISSION’S RESPONSE TO THE MOTION TO INTERVENE
OUT OF TIME BY THE GEORGE WILEY CENTER**

I. INTRODUCTION

Now comes the Narragansett Bay Commission (“NBC”) and pursuant to the Rhode Island Public Utilities Commission’s Rules of Practice and Procedure (801-RICR-00-00-1, et. seq.) hereby responds to the motion for late intervention filed by the George Wiley Center (“Wiley Center”).

NBC does not oppose the Wiley Center’s participation as a party in this matter subject to the limitations of Rule 1.14.

II. PROCEDURAL HISTORY

On October 10, 2018, the NBC filed a general rate filing that sought to generate increased revenue by increasing customer rates. This rate filing was publicly advertised in the Providence Journal and notices were sent to the NBC’s customers. On October 31, 2018, the Rhode Island Public Utilities Commission (“Commission”/“PUC”) established a procedural schedule that set a December 7, 2018 deadline for motions to intervene. Following the establishment of the deadline, data requests were issued by the PUC and the Division of Public Utilities and Carriers, to which the NBC filed responses. On February 4, 2019, the Wiley Center filed a Motion To Intervene Out Of Time.

III. INTERVENTION STANDARD

Intervention in proceedings before the Commission is governed by Rule 1.14 of the Commission's Rules of Practice and Procedure (801-RICR-00-00-1.14), which states:

"Subject to the provisions of these rules, any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Commission. Such right or interest may be:

- (1) A right conferred by statute.
- (2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Commission's action in the proceeding. (The following may have such an interest: consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent.)
- (3) Any other interest of such nature that movant's participation may be in the public interest."

Rule 1.14.F addresses late intervention:

"Intervenors who are granted party status are bound by the agreements reached and orders entered in the proceedings prior to their intervention. The Commission will not allow the broadening of issues unless the public interest requires it and no undue prejudice or hardship will result to other parties to the proceeding."

IV. NBC'S RESPONSE TO THE WILEY CENTER'S MOTION TO INTERVENE OUT OF TIME

The NBC's lack of objection to the Wiley Center's participation as a party is limited to this docket and does not establish any precedent for future dockets. Furthermore, the NBC requests that if the Wiley Center is allowed to intervene that it be bound by the procedural schedule already established in this docket as required by Rule 1.14.F. Finally, the NBC requests that if the PUC allows the Wiley Center's late

intervention that it limit its participation and not allow a “broadening of issues” in this docket, which has been pending for four months.

V. CONCLUSION

Wherefore, for the reasons set forth herein, the Narragansett Bay Commission does not object to the George Wiley Center’s participation as a party in this docket, subject to the following conditions:

1. That the NBC’s failure to object not be deemed to set precedent and that it be limited to this docket;
2. That the Wiley Center’s participation as a party in this docket be subject to the Commission’s Rules of Practice and Procedure, including, but not limited to, Rule 1.14;
3. That the Wiley Center’s participation not “broaden the issues” in this docket; and,
4. That the Wiley Center be bound by the procedural schedule previously established in this docket.

The Narragansett Bay Commission,
By its attorney,



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CERTIFICATION

I hereby certify that on February 14, 2019, I sent a copy of the within to all parties set forth on the attached Service List by electronic mail and copies to Luly Massaro, Commission Clerk, by electronic mail and regular mail.

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