

February 8, 2019

**BY HAND DELIVERY AND ELECTRONIC MAIL**

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

**RE: Docket 4917 – Petition of Energy Development Partners, LLC  
for Declaratory Judgment on R.I. Gen. Laws § 39-26.4, the Net Metering Act  
National Grid’s Comments**

Dear Ms. Massaro:

Please accept this letter as National Grid’s written comments in response to the above-referenced petition.

On December 21, 2018, pursuant to R.I. Gen. Laws § 42-35-8 and the Rhode Island Public Utilities Commission’s (PUC) Rule of Practice and Procedure 810-RICR-00-00-1.11(C), Energy Development Partners, LLC (EDP) filed a Petition for Declaratory Judgment with the PUC. In the Petition, EDP seeks a determination that an irrevocable license satisfies the site control requirements of the Rhode Island Net Metering Statute, R.I. Gen. Laws § 39-26.4-2(16)(i) (Net Metering statute). Specifically, EDP seeks a declaratory judgement that, for the purpose of entering into a Public Entity Net Metering Financing Arrangement<sup>1</sup> under the Net Metering Statute, the requirement that an eligible net metering resource be located on property “owned or controlled” by the public entity or municipality is satisfied by granting an irrevocable license over the property. The PUC requested that parties submit either objections or comments to the Petition by February 8, 2019.

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<sup>1</sup> Under the Net Metering statute, Net Metering Financing Arrangements are “arrangements entered into by a public entity, educational institution, hospital, nonprofit, or multi-municipal collaborative with a private entity to facilitate the financing and operation of a net-metering resource, in which the private entity owns and operates an eligible net-metering resource on behalf of a public entity, educational institution, hospital, nonprofit, or multi-municipal collaborative, where: (i) The eligible net-metering resource is located on property owned or controlled by the public entity, educational institution, hospital, or one of the municipalities, as applicable, and (ii) The production from the eligible net-metering resource and primary compensation paid by the public entity, educational institution, hospital, nonprofit, or multi-municipal collaborative to the private entity for such production is directly tied to the consumption of electricity occurring at the designated net-metered accounts.” R.I. Gen. Laws § 39-26.4-2(14).

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National Grid agrees that the irrevocable license granted to EDP (which is described in the Petition and in EDP's responses to the PUC's first set of data requests in this docket) satisfies the site control requirements set forth in the Net Metering Statute.

Thank you for your attention to this matter. If you have any questions, please contact me at 781-907-2121.

Very truly yours,



Raquel J. Webster

cc: Docket 4917 Service List  
Christy Hetherington, Esq.  
John Bell, Division

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.

The paper copies of this filing are being hand delivered to the Rhode Island Public Utilities Commission and to the Rhode Island Division of Public Utilities and Carriers.



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Joanne M. Scanlon

February 8, 2019

Date

**Energy Development Partners, LLC – Petition for Declaratory Judgment –  
Docket No. 4917**

**List updated 1/7/2019**

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