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August 26, 2019

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

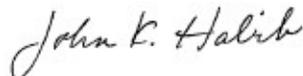
Re: Docket No. 4956 – Energy Development Partners and The Narragansett Electric Company  
d/b/a National Grid Dispute Resolution Pursuant to Section 9.2 of RIPUC No. 2180

Dear Ms. Massaro:

On behalf of The Narragansett Electric Company d/b/a National Grid (the Company), enclosed is the Company's Objection to the Motion To Intervene And Protest Of Green Development, LLC filed on August 21, 2019 in the above-captioned matter.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,



John K. Habib, Esq.

Enclosures

cc: Docket No. 4956 Service List

**Narragansett Electric Co. d/b/ National Grid and Energy Development Partners  
Request for Dispute Resolution Assistance – Docket No. 4956  
Service List Updated 8/21/2019**

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

	)	
Energy Development Partners, LLC and The	)	
Narragansett Electric Company d/b/a	)	Docket No. 4956
National Grid Dispute Resolution Pursuant to	)	
Section 9.2 of RIPUC No. 2180	)	

**OBJECTION TO MOTION TO INTERVENE  
AND PROTEST OF GREEN DEVELOPMENT, LLC**

The Narragansett Electric Company d/b/a National Grid (the Company or National Grid) pursuant to Rhode Island Public Utilities Commission (Commission) Rules of Practice and Procedure 1.14(E), hereby objects to the Motion To Intervene And Protest Of Green Development, LLC filed on August 21, 2019 in the above-captioned matter (the Motion). The Motion should be denied because it fails to state a sufficient basis for Green Development, LLC to intervene in this narrow request for dispute resolution assistance between the Company and an unrelated developer, Energy Development Partners, LLC (EDP).

**I. LEGAL STANDARD**

Rule 1.14 of the Commission Rules of Practice and Procedure sets forth the basis for Intervention in Commission proceedings. The rule provides that any person may move to intervene in any proceeding before the Commission upon a showing of the following right to intervene or interest of such nature that intervention is necessary:

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.

## **II. DISCUSSION**

### **A. Green Development, LLC Will Not Be Directly Affected By The Outcome Of This Proceeding.**

Green Development, LLC should be denied intervention in this proceeding because they do not have standing under the Commission's regulations to do so. As noted above, the Commission's regulations require a person to demonstrate that they have a right to intervene based on one of three options: (1) a statutory right; (2) a demonstration that they have 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, or (3) a demonstration that their participation is in the public interest. Green Development has not met any of these criteria for intervention.

First, Green Development has not cited any statutory right to intervene, nor have they articulated why their participation is in the public interest. Rather they have attempted to demonstrate that they have a particular interest not represented by the parties to the proceeding, and that they may be bound by the Commission's action in this proceeding. To the contrary, this proceeding is a request for Commission Staff dispute resolution assistance between the Company and a single distributed generation developer pursuant to Section 9.2 of the Standards for Connected Distributed Generation (Tariff). The dispute concerns applications for the interconnection of certain solar projects submitted to the Company by EDP that require the completion of a Transmission Planning Study and, specifically, whether an Interconnection Services Agreement (ISA) may be issued to EDP prior to completion of the Transmission Planning Study. The issue before the Commission Staff for dispute resolution assistance is narrow: whether a modified ISA that would be issued to EDP prior to completion of the Transmission Planning Study is consistent with the terms of the Company's Tariff. The Company's request at issue in

this docket pertains only to the modified ISA requested by and negotiated with EDP to resolve EDP's dispute. The Company is not seeking at this time to utilize the modified ISA for other developers, nor has the Company requested approval to revise the Tariff.

Counter to the narrow scope of this request for Commission Staff dispute resolution assistance, Green Development argues that “[i]f approved by the PUC, the modified ISA will provide the Company with a tool to impermissibly pressure applicants like Green Development into waiving the statutory deadlines set forth in R.I. Gen. Laws. § 39-26.3-4.1(d), without first having noticed the proposed procedural and substantive changes it seeks to impose, pursuant to the DG Tariff.” Motion at 3, ¶ 14. Green Development further protests the petition because, it claims, approval “will make the terms of the proposed modified ISA generally applicable to entities other than EDP and because it circumvents the dispute resolution provisions of the DG Tariff, effectively precluding the required good faith negotiations between the Company and Green Development.” Motion at 4, ¶ 19.

Green Development's arguments are incorrect. The Company developed the modified ISA with EDP at EDP's request. It is not intended to “pressure” Green Development, or any developer, into any course of action. The modified ISA is intended to resolve EDP's need to obtain an executed ISA before the Transmission Planning Study is complete so that EDP may secure timely financing for its projects. EDP is pursuing the modified ISA at its option. The Company is pleased to have developed a solution that appears satisfactory to EDP.

Moreover, Commission action on the modified ISA will not make the terms of the proposed modified ISA generally applicable to entities other than EDP. There are no legal ramifications on Green Development, or any other developer, if the Commission finds that the modified ISA, which will be executed by the Company and the EDP only, is consistent with the Tariff. The Company

is not seeking to unilaterally impose the terms of the modified ISA on Green Development or any other developer. If the Company later seeks to revise the Tariff or related agreements to address issues related to Affected System operator studies, the Company will make a separate application to the Commission, at which point Green Development and any other interested stakeholder can appropriately address their concerns.

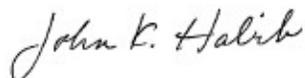
Finally, Commission action on the modified ISA will not circumvent the dispute resolution provisions of Tariff for Green Development, or any other developer. If Green Development chooses to initiate the dispute resolution process, National Grid will pursue it in good faith and work with Green Development on a resolution of issues that it may present.

Accordingly, the Commission should deny Green Development's petition to intervene in this proceeding given that it has not demonstrated standing to do so.

**Respectfully submitted,**

**THE NARRAGANSETT ELECTRIC  
COMPANY d/b/a NATIONAL GRID**

By its attorney,



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Dated: August 26, 2019