

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

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IN RE:
NATIONAL GRID'S PROPOSED
FY 2020 GAS INFRASTRUCTURE,
SAFETY, AND RELIABILITY PLAN

Docket # 4996

MOTION FOR INTERVENTION
OF CONSERVATION LAW FOUNDATION

I. Introduction

Conservation Law Foundation (CLF), pursuant to Public Utility Commission (PUC or the Commission) Rules of Practice and Procedure 1.13(a) and (b), respectfully files its Motion for Intervention in this Docket.

On December 20, 2019, the Narragansett Electric Company, d/b/a National Grid (Grid) filed with the PUC its "Proposed FY 2020 Gas Infrastructure, Safety, and Reliability Plan." In response to Grid's filing, the PUC opened this Docket # 4996 (the ISR Docket). On December 26, 2019, the Clerk of the PUC posted on the PUC's website the non-confidential portions of the materials that Grid had filed with the Commission.

Pursuant to PUC Rule of Practice and Procedure 1.15(b), CLF contacted Grid, and the Division of Public Utilities and Carriers (the Division) to determine whether either of these has an objection to CLF's proposed intervention in this Docket. Although CLF contacted these entities before the holidays, neither one has responded. However, in the past neither entity has ever interposed an objection to CLF's participation in either electricity or gas cases before the Commission.

II. The Intervenor

CLF is New England's leading environmental advocacy organization. Since 1966, CLF has worked to protect New England's people, natural resources and communities. CLF is a nonprofit, member-supported organization with offices throughout New England. The Rhode Island CLF office is located at 235 Promenade Street, Suite 560, Providence.

CLF promotes clean, renewable and efficient energy production throughout New England and has an unparalleled record of advocacy on behalf of the region's environmental resources. As part of its 40-year legacy, CLF was a party in the landmark case in which the U.S. Supreme Court ruled that the U.S. Environmental Protection Agency has an obligation under the Clean Air Act to consider regulating tailpipe emissions that contribute to global warming, Massachusetts v. E.P.A., 127 S. Ct. 1438 (2007); CLF obtained an injunction to stop drilling for oil and gas on the environmentally sensitive Georges Bank, Conservation Law Foundation v. Sec'y of the Interior, 790 F.2d 965 (1st Cir. 1986); litigated to ensure enforcement of an earlier settlement agreement in a case stemming from the Big Dig, which settlement agreement required 20 public transit projects in and around Boston including construction of additional subway and rail lines, Conservation Law Foundation v. Romney, 421 F. Supp.2d 344 (D. Mass. 2006); and successfully advanced legal strategies to restore groundfish to the Gulf of Maine and southern New England waters. Conservation Law Foundation v. Evans, 211 F. Supp.2d 55 (D.D.C. 2002).

In Rhode Island, CLF and its members have a keen and active interest in ensuring that the state meets the carbon emission reduction goals set forth in the Resilient Rhode Island Act, R. I.

Gen. Laws § 42-6.2-1, et seq. Grid's transmittal letter to the PUC states that its (Grid's) ISR Plan involves, inter alia, replacement of leak-prone gas pipe, peak-shaving plants, and responding to emergency gas leaks. Grid's December 20, 2019 Transmittal Letter, p. 1 ¶ 2. Since natural gas is a powerful contributor to the state's overall carbon emission profile, CLF and its members have a strong interest in certain component portions of this ISR Docket.

III. The Standard Governing this Motion

Intervention in PUC proceedings is governed by PUC Rule of Practice and Procedure 1.13.

PUC Rule of Practice and Procedure 1.13(b) states, in relevant part, that "any person claiming . . . an interest of such a nature that intervention is . . . appropriate may intervene in any proceeding before the Commission."

PUC Rule of Practice and Procedure 1.13(e) states, in relevant part, that "all timely motions to intervene not objected to by any party within ten (10) days of service of the motion for leave to intervene shall be deemed allowed"

As noted above, CLF has contacted Grid and the Division to determine whether either of these has an objection to CLF's proposed intervention in this Docket. As noted above, CLF has not received any response from either entity.

IV. CLF's Interest in This Proceeding

CLF is a membership organization, and CLF and its members have a keen interest certain aspects of proceeding as relate to greenhouse gas emissions.

CLF is New England's leading environmental organization, and has a long and widely respected history of working on issues related to the environmental aspects of state utility policies.

CLF has participated, without objection from any party, in many previous PUC Dockets. These include Docket # 3659 (setting Rules pursuant to R. I. Gen. Laws § 39-26-1, et seq., the state's Renewable Energy Standard, or RES); Docket # 3765 (considering Grid's 2007 RES compliance procurement); Docket # 3901 (considering Grid's 2008 RES procurement); Docket # 4012 (considering Grid's 2009 RES procurement); Docket # 3932 (Grid's Least Cost Procurement Plan pursuant to R. I. Gen. Laws § 39-1-27.7); Docket # 3943 (gas distribution rate case); Docket # 4065 (electricity distribution rate case); Docket # 4111 (first of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project); and Docket # 4185 (second of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project).

As a result of this history, both in Rhode Island and in the rest of New England, CLF can play a constructive and helpful role in this Docket.

Moreover, the participation in this proceeding of a public interest organization such as CLF will serve the public interest. See, generally, John E. Bonine, Public Interest Environmental Lawyers: Global Examples and Personal Reflections, 10 Widener L. Rev. 451 (2004) (emphasizing the constructive and salutary role of public-interest environmental lawyers in a wide range of legislative, judicial, and regulatory fora).

V. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its unopposed motion to intervene in this Docket be granted.

CONSERVATION LAW FOUNDATION,
by its Attorney,



Jerry Elmer (# 4394)

CONSERVATION LAW FOUNDATION

235 Promenade Street

Suite 560, Mailbox 28

Providence, RI 02908

Telephone: (401) 228-1904

Facsimile: (401) 351-1130

E-Mail: JElmer@CLF.org

CERTIFICATE OF SERVICE

I certify that the original and nine photocopies of this Motion were hand delivered to to the Clerk of the Public Utilities Commission, 99 Jefferson Blvd., Warwick, RI 02888. In addition, electronic copies of this Motion were served via e-mail on Raquel J. Webster, Senior Counsel to National Grid and on Leo Wold, Counsel for the Division of Public Utilities and Carriers. I certify that all of the foregoing was done on December 27, 2019.

