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Admitted in: RI, MA, NY

January 19, 2021

*Via Electronic Mail: Luly.Massaro@puc.ri.gov
and
Via Federal Express*

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

RE: Docket 5058 – Colonial Power Group, Inc. Responses to National Grid’s First Set of Data Requests Issued on January 6, 2021

Dear Ms. Massaro:

Enclosed please find five (5) copies Colonial Power Group, Inc.’s Responses to National Grid’s First Set of Data Requests Issued on January 6, 2021.

Thank you for your attention to this matter. If you have any questions, please contact me at 401-490-3430.

Very truly yours,

/s/ Stephen J. MacGillivray

Stephen J. MacGillivray

Enclosures

Copy to: Docket No. 5058 Service List

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National Grid 1-1

Request:

On October 23, 2020, the Massachusetts Department of Public Utilities (MA DPU) issued a report and order in D.P.U. 19-51 and D.P.U. 19-52 in which the MA DPU directed National Grid to provide towns/municipal aggregators with only information about eligible customers and not provide any data for ineligible customers. (see page 17 of the Report and Order).

- (a) Would Colonial have any objections to adding language that reflects this directive into the proposed terms and conditions for municipal aggregators in Rhode Island?
- (b) If so, please explain why this directive from the MA DPU should not apply to Rhode Island? Please explain why diverging from Massachusetts on this topic would be beneficial to Rhode Island customers.

Response:

- (a) Yes. As explained in its response to part (b) below, Colonial opposes adopting the referenced directive of the MA DPU to Rhode Island because such approach would limit the ability of Municipal Aggregators to effectively deliver educational materials that will enable customers to make effective and appropriate decisions with respect to their electricity service.
- (b) As explained more fully below, the referenced MA DPU directive to Massachusetts utilities regarding the dissemination of customer information and limiting such information only to so-called "eligible customers" should be construed narrowly because the directive was made solely in context of deciding the definition of eligible customers in Massachusetts. Stakeholders did not raise at that time, and the MA DPU consequently did not consider, the many sound policy and practical reasons that Municipal Aggregators may wish to provide information to all of its residents for a range of other beneficial purposes. Importantly, there is a pending request for reconsideration on this matter that was submitted by the City of Boston currently pending before the MA DPU in docket D.P.U. 19-65. Given the uncertainty of this question in Massachusetts, Colonial respectfully suggests that the better course is for the Commission to rely upon the record in this proceeding and determine a policy that will ensure the delivery of helpful information to the broadest range of customers.

In its initial comments filed in this docket,¹ Colonial proposed two changes to National Grid's proposed terms and conditions that would allow a Municipal Aggregator to obtain information regarding electricity consumers in the community, and not merely eligible consumers. Colonial's proposed change in Section 4A would allow a Municipal Aggregator access to customer counts and customer usage in the aggregate only and without any identifying customer information. In Section 4B, and only after a Municipal

¹ Comments of Colonial Power Group, Inc., RIPUC Docket No. 5058, September 29, 2020.

Aggregator's program plan has been approved by the Commission, Colonial's proposed language would provide access to customer mail lists, but exclusive of information necessary for customer enrollment (exclusive of account number and first four characters of last name). The two changes serve different purposes, and the form and content of customer information is substantively different in each. The logic for each of the two requests warrant separate consideration and Colonial fears that applying the directive in Massachusetts may not apply appropriate consideration within the context of Rhode Island General Laws § 39-3-1.2.

Colonial described the benefits to Rhode Island customers from its two recommended changes in both its initial comments and in comments filed on December 8, 2020. Regarding its recommended change in Section 4B, in brief, Colonial requests that after first obtaining plan approval from the Commission, a Municipal Aggregator have the option to obtain from National Grid customer contact information for all residents and business owners within the jurisdiction of the Municipal Aggregator. Use of this data set for customer education and awareness would be valuable to all potential customers, both those currently eligible and those who may wish to consider the program in the future. In Massachusetts, and perhaps too in Rhode Island, municipal officials recognize the benefits to their constituents of consumer education efforts, including those that highlight consumer protection issues regarding predatory marketing practices from competitive suppliers.

The MA DPU's consideration of the issue can be found in its order dated August 23, 2017 in D.P.U. 16-10. The MA DPU opened D.P.U. 16-10 to address comments filed by National Grid in several municipal aggregation dockets seeking clarification of what constitutes an "eligible customer."² The MA DPU requested comments from interested stakeholders to define the customer population that will be automatically enrolled in an aggregation plan, and consequently the list of customers provided to Municipal Aggregators for that purpose.³ The MA DPU reached a final and narrow decision on the eligible customer definition focusing primarily on opt-out notices and consequently directed each utility to provide to the Municipal Aggregator customer details only for those customers. Stakeholders, including Colonial Power, commented on the dissemination of customer information only in context of what was necessary for customer enrollment. The docket did not generate a full and appropriate discussion or a MA DPU analysis and finding regarding the dissemination of alternate formats of customer information for alternative and beneficial purposes.

² For example, "While the aggregation plan indicates that 'eligible customers' are those on National Grid's basic service, further specificity is needed to define the customer population that will be automatically enrolled in the aggregation plan." (National Grid Comments dated July 14, 2015 in D.P.U. 15-19)

³ "The Department seeks written comments from interested stakeholders addressing: (1) the issues raised in National Grid's comments; and (2) whether the customer lists provided to municipal aggregations should include all basic service customers, except customers enrolled in an optional basic service enhancement program (e.g., National Grid GreenUp)." (MA DPU Request for Comments on Municipal Aggregation Eligible Customers dated August 13, 2015, in D.P.U. 15-19; D.P.U. 15-58; and D.P.U. 15-59)