

June 10, 2011

Luly E. Massaro, Clerk
Division of Public Utilities and Carriers
89 Jefferson Blvd.
Warwick, R.I. 02888

RE: Complaint of Benjamin Riggs Relating to Town of Portsmouth Generating Facility – Net Metering, Docket No. D-10-126

Dear Ms. Massaro:

On behalf of CME Energy LLC (“CME”) we submit this letter in response to the procedural schedule requesting initial legal memoranda from the parties with regards to two specific questions.

According to the Hearing Examiner’s Memorandum, dated May 27, 2011 “[b]roadly speaking, I believe the focus of this investigation is to examine whether the rate the Town of Portsmouth is receiving from National Grid is in harmony with the provisions of the Commissions relevant tariff and the State’s net-metering statute.” CME points out that since the time that the parties raised the initial questions for decision by the Hearing Examiner there has been substantial progress at the General Assembly to enact a new net metering statute, as well as a long term distributed energy contract statute that will, if enacted into law, govern projects prospectively, including the East Providence Solar project involving CME.

Specifically, on June 9, 2011 the Rhode Island House passed a version of a new net metering statute (H5939 Sub A), a long term distributed energy contract statute (H6104 Sub A as amended) and a distributed energy interconnection statute (H6222 Substitute A as amended). Similar legislation was recommended out of committee in the Senate and will be voted on shortly by the full Senate (S457 Sub A, S721 Sub A and S457 Sub A).

These bills were not available to the parties at the time of our initial conference with the Hearing Examiner, and given the timing we will know very shortly whether this new net metering and distributed energy contracting proposals will be enacted into law. Given that the proposed net metering statutes will address the appropriate price for a net metered facility, as well as other dimensions of the availability of net metering to municipalities and their

ADLER POLLOCK & SHEEHAN P.C.

Luly E. Massaro, Clerk
Division of Public Utilities and Carriers
June 10, 2011
Page Two

development partners, CME will defer further legal memoranda or comment until such time as the reply comments are due in this proceeding. At that time the legislative session will have concluded and we can fully assess the impact of new legislation on the questions raised by this docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan M. Shoer", with a long horizontal line extending to the right.

Alan M. Shoer

AMS/dll

574018_1.doc