

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02883

IN RE: Complaint by Benjamin Riggs related to :
 Net Metering at the Town of Portsmouth : Docket No. D-10-126
 Wind Generator Facility and National :
 Grid-Electric :

MOTION TO INTERVENE

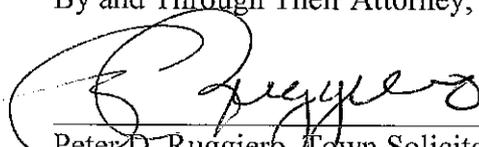
Now come the Town of Charlestown, Rhode Island (“Charlestown”) and the Town of Jamestown, Rhode Island (“Jamestown”) (collectively “Municipal Interveners”), by and through their Town Solicitor, and hereby move to intervene in the above-captioned matter. As grounds, the Municipal Interveners aver that they each have invested in the establishment of a wind energy generating facility and have an interest in this matter which will be directly affected and which is not represented by any existing party in this proceeding. The issue in dispute concerns whether the Town of Portsmouth, Rhode Island (“Portsmouth”), which is the owner and operator of an existing wind energy generating system (“Wind Generator”), has a power production sales arrangement rate with National Grid-Electric that is excessive and whether the physical connection of the Wind Generator to the power grid distribution system complies with the requirements of Chapter 26 of Title 39 of the Rhode Island General Laws, the so-called “Net Metering” statute, and the federal Public Utilities Regulatory Policy Act (“PURPA”)(16 USC §2601 *et seq.*). Both the Division of Public Utilities and Carriers (the “Division”) and National Grid-Electric have asserted that the physical connection of the Wind Generator to the power grid distribution system contradicts PURPA’s net metering policy and that the Rhode Island Net Metering statute may be unconstitutional in light of PURPA’s definition of net metering. The Division and National Grid-Electric now advocate the Public Utilities Commission (“PUC”) to

determine that the Wind Generator does not qualify as a net metering arrangement and that the power purchase rate is therefore excessive, as it is not based on the avoided cost production method.

Based on this situation, the Municipal Interveners request intervention status to examine the interpretations of law advocated by the Division and National Grid-Electric to the PUC governing the Wind Generator and similar renewable energy generating power purchase rate arrangements. Without granting the Municipal Defendants' Motion to Intervene, the Municipal Defendants' residents and businesses will not be represented by an existing party to this proceeding. See R.I.G.L. 1956 § 45-6-1; Public Utilities Commission Rules of Practice and Procedure Rule 1.13. The Municipal Defendants have a direct interest in this matter, the outcome of which will have an affect on local property tax revenues and tax rates.

For these reasons and pursuant to PUC Rule 1.13, the Municipal Defendants hereby request the PUC to grant its Motion to Intervene.

Respectfully submitted,
TOWNS OF CHARLESTOWN AND
JAMESTOWN, RHODE ISLAND
By and Through Their Attorney,



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Dated: March 21, 2011

CERTIFICATION

I, the undersigned, do hereby certify that I did forward a copy of the within Motion to Intervene via e-mail to all on the following service list on the 21st day of March, 2011.

**Complaint Relating to the Town of Portsmouth Generator Facility – NetMetering
Docket No. D-10-126
Updated 3/11/11**

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