

May 5, 2011

VIA HAND DELIVERY & ELECTRONIC MAIL

Luly E. Massaro, Division Clerk
Rhode Island Division of Public Utilities and Carriers
89 Jefferson Boulevard
Warwick, RI 02888

**RE: Docket No. D-10-126 - Complaint of Benjamin Riggs Relating to Portsmouth Generating Facility
Agreed-Upon Statement of Facts**

Dear Ms. Massaro:

Enclosed on behalf of the Town of Portsmouth (Portsmouth), the Advocacy Section of the Division of Public Utilities and Carriers and National Grid¹, enclosed please find an Agreed-Upon Statement of Facts concerning the above-referenced docket.

Thank you for your attention to this transmittal. If you have any questions, please feel free to contact me at (401) 784-7667.

Very truly yours,

A handwritten signature in blue ink, appearing to read "T. R. Teehan".

Thomas R. Teehan

Enclosure

cc: D-10-126 Service List

¹ The Narragansett Electric Company d/b/a National Grid ("National Grid" or the "Company").

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: COMPLAINT OF BENJAMIN RIGGS
RELATING TO PORTSMOUTH
GENERATING FACILITY

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DOCKET NO. D-10-126

AGREED-UPON STATEMENT OF FACTS

By its attorneys, the Town of Portsmouth (Portsmouth), the Advocacy Section of the Division of Public Utilities and Carriers and National Grid submit the following statement of agreed facts.

1. In late 2005, Portsmouth planned the installation of a wind turbine in an effort to manage its energy costs while enhancing their energy independence and security and reducing the town's environmental impact.
2. Portsmouth relied on Rhode Island's net metering law and Tariff in planning its project, and designed it with the intent to offset its own energy consumption.
3. On June 6, 2008, National Grid received an interconnection application from the Town of Portsmouth for installation of a 1.5 MW wind turbine at 120 Education Lane in Portsmouth, Rhode Island and assigned the application for review on June 10, 2008.

4. The application site diagram identified that a primary metering pole was sought at the property line for the school grounds.
5. On July 11, 2008 a site meeting was held between National Grid and the Town of Portsmouth to discuss the application and potential placement of poles to accommodate the primary metering proposal.
6. On July 21, 2008 National Grid completed its initial review of the requested interconnection.
7. On September 4, 2008, a site plan was issued to National Grid by Portsmouth's engineer indicating that a new primary metering pole would be installed inside the property line, before the riser pole for main electrical service to the high school.
8. The new primary metering was to encompass three existing electric accounts, the high school, gym and tennis courts and the new wind turbine service, all of which would be behind the new primary meter.
9. Locating the metering point from the existing three services out to the property line would require the sale to the Town of Portsmouth of certain National Grid distribution assets on the customer side of the new primary metering point.
10. The assets for sale included several poles, primary and secondary overhead wires, aerial and pad-mounted transformers, and primary underground cables.
11. In preparation of the transfer, steps were taken to begin the process of estimating the residual value of those assets for sale to the Town of Portsmouth.
12. On October 9, 2008, National Grid received a new electrical one-line diagram from the engineer working on the wind turbine project for the Town of Portsmouth.
13. The new power one-line diagram changed the requested point of service.

14. The diagram eliminated the new primary metering point and indicated that the service to the new wind turbine would be via a side-tap from existing National Grid overhead distribution facilities on the school property.
15. The new side tap to the wind turbine was to have its own meter and be a separate electric account.
16. This configuration results in National Grid maintaining ownership and control of most distribution assets including poles, wires, transformers and cables.
17. On October 10, 2008, Arthur Larson, National Grid's coordinator on this project, responded with an email saying "In general – the concept proposed should not present any problems."
18. On October 14, 2008, the Town of Portsmouth confirmed that this new method of service was desired, and National Grid designed the service and estimated the cost of electrical construction.
19. In December 2008, Portsmouth and National Grid signed an interconnection agreement with a description of facilities, stating "Customer intends to export power under the net metering provisions set forth in Rhode Island General Law (R.I.G.L. Title 39, Chapter 26."
20. On February 13, 2009, Portsmouth and National Grid signed the form agreement provided in Schedule B of the tariff National Grid filed with the RIPUC for the implementation of Rhode Island's net metering law (RIPUC No. 2010-A), acknowledging the intent to credit the renewable generation credits from its wind turbine to five Portsmouth accounts.

21. The new service to the wind turbine was connected on February 19, 2009. Relay protection testing was conducted, and the Town of Portsmouth Wind Turbine came on-line and began commercial operation on March 18, 2009.
22. National Grid sent Portsmouth a letter on November 2, 2009, indicating that Portsmouth could either carry its renewable generation credits forward as a credit against their accounts for a one year billing cycle or receive a check for the renewable energy credits subject to any previous charges.
23. On November 25, 2009, National Grid and Portsmouth signed a revised Schedule B providing that Portsmouth would receive a check for its renewable generation credits.
24. The Portsmouth wind generating facility consumes energy at the turbine for station power use before sending the balance of its energy to the grid.
25. On April 1, 2010, Gary Crosby, the Portsmouth Wind Turbine Coordinator stated in a letter that “Portsmouth’s wind turbine is not a ‘behind-the-meter’ facility. Every KWH that the turbine generates goes directly onto the grid.”
26. National Grid proposed a Tariff, R.I.P.U.C. No. 2035, approved in Rhode Island Public Utilities Commission Docket 4079, (the “Tariff”) which governs its purchase of electrical output from net metering facilities or qualifying facilities as defined in the Tariff (QF).¹
27. The Tariff provides that for QFs employing wind technology which is 3.5 MW or less and are entirely owned by cities and towns, National Grid will permit a Net Metering Facility, (“NMF”) to deliver electricity to National Grid according to specified terms among others that:

¹ R.I.P.U.C. No. 2010-A was approved for effect 1/1/09 in Docket 3999. R.I.P.U.C. 2035 was approved for effect 9/14/09.

The customer's usage and generation will be netted for a twelve-month period beginning on January of each year. If the electricity generated by the NMF during a billing period exceeds the customer's kWh usage during the billing period, the customer shall be billed for zero kilowatt hour usage and a renewable generation credit (which has the same meaning as defined in R.I. Gen. Laws §39-26-2(22)) shall be applied to the customer's account. Unless the customer requests otherwise, the customer will be compensated monthly by check for the RGC.

28. The tariff provides that the NMF specified rate for Renewable Generation Credits in R.I. Gen. Laws § 39-26-2 (22) means a credit equal to the excess kWhs by the time of use billing period (if applicable) multiplied by the sum of the distribution company's:

- (i) Standard offer service kWh charge for the rate class applicable to the net metering customer;
- (ii) Distribution kWh charge;
- (iii) Transmission kWh charge; and
- (iv) Transition kWh charge.

29. The Tariff also provides for a non-NMF rate for QFs, this tariffed QF rate per R.I.P.U.C No. 2035, Section III, Rates For Qualifying Facilities is equal to the payments received by National Grid for the sale of such QF's output into the ISO-NE administered markets for the hours in which the QF's facility generated electricity in excess of its requirements.

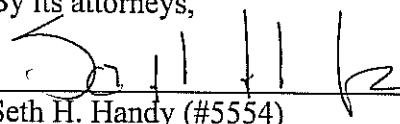
30. From April 2009 through March 2010 the Town of Portsmouth's wind generating facility had a total output of 3,712,800 kWhs. From March 2010 through February 2011 Portsmouth's wind generating facility had a total output of 2,699,179 kWh.

31. From April 2009 through March 2010, Portsmouth consumed 3,972,170 kWhs at more than forty accounts for Portsmouth, including the Portsmouth School Department accounts. From March 2010 through February 2011, Portsmouth

- consumed approximately 3,971,582kWh of electricity at more than forty accounts for Portsmouth, including the Portsmouth School Department accounts.
32. From April 2009 through March 2010, Portsmouth consumed approximately 967,120 kWhs at its site located at 120 Education Lane in Portsmouth, Rhode Island. They consumed approximately 972,240 kWhs at this site from April 2010 through March 2011.
33. From March 2010 through February 2011, Portsmouth consumed 3,569,399 kWh at its ten largest accounts.
34. National Grid has credited Portsmouth for the output of the Portsmouth wind generating facility at the tariff based NMF rate.
35. Portsmouth is presently credited a varying renewable generation credit for its power, as calculated under the net metering statute and Tariff.
36. Over the last six month period from August of 2010 through January of 2011, the credit rate has averaged \$0.082 per kWh and over the year from February of 2010 through January of 2011 it averaged \$0.0875 per kWh.
37. Over the same periods, National Grid has been compensated on average \$0.0536 and \$0.0547 from ISO-NE for the sale of kWh's from Portsmouth's wind turbine facility. The difference between the amount paid to Portsmouth by National Grid and the amount received by National Grid from ISO-NE has been or will be added to National Grid's standard offer cost.

THE TOWN OF PORTSMOUTH

By its attorneys,



Seth H. Handy (#5554)

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Docket D-10 126-Agreed Statement of Facts re:
Complaint of Benjamin Riggs Relating to Portsmouth
Wind Generating Facility

ADVOCACY SECTION OF THE RHODE ISLAND DIVISION
OF PUBLIC UTILITIES AND CARRIERS



5/5/11

By its Attorney

Date

Jon G. Hagopian, Special Assistant Attorney General

Docket D-10 126-Agreed Statement of Facts re: Complaint
of Benjamin Riggs Relating to Portsmouth Wind
Generating Facility

NATIONAL GRID

By its attorney,



5/5/2011

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National Grid
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Providence, RI 02907
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Docket D-10 126-Agreed Statement of Facts re:
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Certificate of Service

I hereby certify that a copy of the cover letter and/or any materials accompanying this certificate were electronically transmitted and sent via U.S. Mail to the individuals listed below. Copies of this filing were hand delivered to the RI Division of Public Utilities & Carriers.



May 5, 2011

**Complaint Relating to the Town of Portsmouth Generator Facility – NetMetering
Docket No. D-10-126 Updated 4/4/11**

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