

STATE OF RHODE ISLAND AND THE PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS

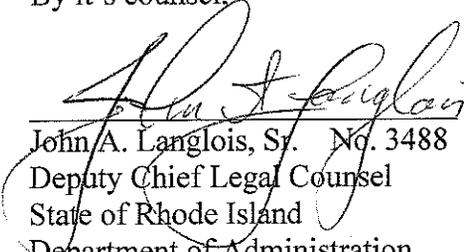
IN RE: Complaint by Benjamin Riggs relating to :
Net Metering at the Town of Portsmouth : Docket No. D-10-126
Wind Generator Facility and National :
Grid – Electric :

ENTRY OF APPEARANCE

Pursuant to Rule 5(a) of the Division of Public Utilities and Carrier's Rules of Practice and Procedure, John A. Langlois, Sr. hereby enters his appearance on behalf of the Rhode Island Office of Energy Resources in the above-captioned proceeding.

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Respectfully submitted,
Rhode Island Office of
Energy Resources
By it's counsel,


John A. Langlois, Sr. No. 3488
Deputy Chief Legal Counsel
State of Rhode Island
Department of Administration
Division of Legal Services
One Capitol Hill, 4th Floor
Providence, Rhode Island 02908
Direct Dial: (401) 222-4889
Facsimile: (401) 222-8244
E-Mail: john.langlois@doa.ri.gov

Dated: March 23, 2011

CERTIFICATE OF SERVICE

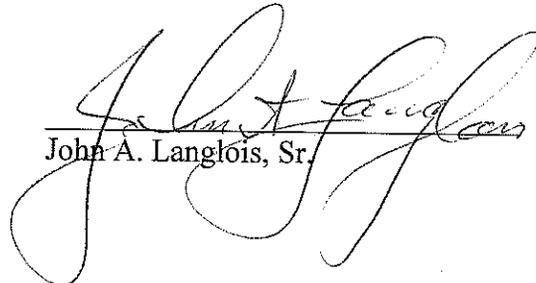
I hereby certify that, on March 23, 2011, a true copy of the within Entry of Appearance was mailed, postage prepaid, to:

Benjamin C. Riggs, Jr.
15D Harrington St.
Newport, RI 02840

Thomas R. Teehan
Senior Counsel
Keyspan Energy Delivery
280 Melrose Street
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Jon G. Hagopian
Special Assistant Attorney General
150 South Main Street
Providence, RI 02903

Seth H. Handy, Esquire
Chace Ruttenberg & Freedman, LLP
One Park Row, Suite 300
Providence, RI 02903


John A. Langlois, Sr.

**STATE OF RHODE ISLAND AND THE PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

IN RE: Complaint by Benjamin Riggs relating to :
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Docket No. D-10-126

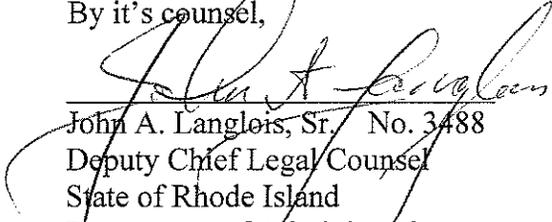
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**MOTION TO INTERVENE BY
RHODE ISLAND OFFICE OF
ENERGY RESOURCES**

Now comes the Rhode Island Office of Energy Resources and hereby respectfully moves to intervene in the above-captioned proceeding pursuant to Rule 17(a) of the Division of Public Utilities and Carrier's Rules of Practice and Procedure. The grounds for this Motion are set forth in the Memorandum in Support of Motion to Intervene which is attached hereto and is hereby incorporated by reference.

Wherefore, the Rhode Island Office of Energy Resources respectfully requests that this motion be granted and the Rhode Island Office of Energy Resources be permitted to intervene in the above-captioned proceeding.

Respectfully submitted,
Rhode Island Office of
Energy Resources
By it's counsel,

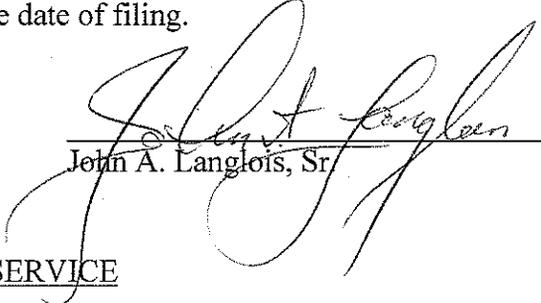


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Dated: March 23, 2011

CERTIFICATE OF CONSULTATION

I hereby certify that, pursuant to Rule 19(b), I have made a good faith effort to determine whether any existing parties object to this motion. The Town of Portsmouth, the Washington County Planning Council and Benjamin Riggs have no objection to this motion. National Grid and the Advocacy Section have not responded as of the date of filing.



John A. Langlois, Sr.

CERTIFICATE OF SERVICE

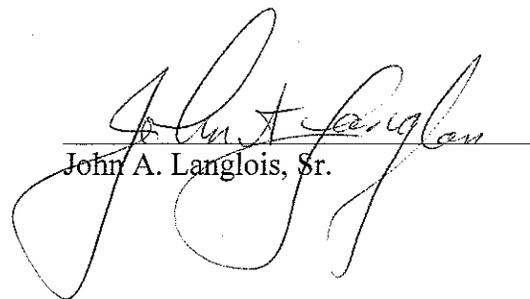
I hereby certify that, on March 23, 2011, a true copy of the within Motion to Intervene was mailed, postage prepaid, to:

Benjamin C. Riggs, Jr.
15D Harrington St.
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**MEMORANDUM IN SUPPORT OF
MOTION TO INTERVENE BY
RHODE ISLAND OFFICE OF
ENERGY RESOURCES**

Now comes the Rhode Island Office of Energy Resources (hereinafter referred to as, “OER”) and hereby submits this Memorandum in Support of its Motion to Intervene in the above-captioned proceeding pursuant to Rule 17 of the Rules of Practice and Procedure of the Rhode Island Division of Public Utilities and Carriers (hereinafter referred to as the “Rules”).

Rule 17(b) of Rules, sets forth:

Subject to the provisions of these rules, any person with a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Division. Such right or interest may be: (1) A right conferred by statute. (2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Division’s action in the proceeding. The following may have such an interest: consumers served by the applicant, defendant, or respondent and holders of securities of the applicant, defendant, or respondent. (3) Any other interest of such a nature that movant’s participation may be in the public interest. Division of Public Utilities and Carriers, Rules of Practice and Procedure, Rule 17(b).

Before examining the merits of OER’s motion, the OER must establish that it meets the definition of a “person” as that word is used in Rule 17(b). The Rules do not contain an express

definition of the word “person”. Rule 1, however, states that “[t]hese rules and all issues not addressed in these rules are to be considered in light of R.I.G.L. §§ 42-35-1 *et seq.*” Division of Public Utilities and Carriers, Rules of Practice and Procedure, Rule 1. Because the Rules do not define “person”, the issue should be considered in light of the R.I.G.L. §§ 42-35-1 *et seq.* (the Administrative Procedures Act). The Rhode Island Administrative Procedures Act defines “person” as “any individual, partnership, corporation, association, the department of environmental management, governmental subdivision, or public or private organization of any character other than an agency.” R.I. Gen. Laws § 42-35-1(7).

The OER was created pursuant to the Rhode Island Energy Resources Act which set forth, “There is hereby authorized, created and established an office of energy resources in the executive department of state government, which may be assigned by executive order for administrative purposes to a department within state government.” R.I. Gen. Laws § 42-140-2. The OER, therefore, is a governmental subdivision and meets the definition of a “person” for the purposes of the Rules.

The interest of the OER is such that intervention is necessary and appropriate. In fact, the OER meets all three categories of interest necessary to warrant intervention under the Division’s Rules. Division of Public Utilities and Carriers, Rules of Practice and Procedure, Rule 17(b).

OER has a right “conferred by statute.” *Id.* “The office of energy resources is hereby directed to collaborate with the division of public utilities, the trustees of the renewable energy development fund, the distribution company with other interests and parties, as appropriate, in maximizing the combined impact and efficiency of the renewable energy program established by subsections 39-2-1.2(b) and (c) and the renewable energy standard.” R.I. Gen. Laws § 39-26-8(a). Pursuant to this statute, therefore, OER should be granted intervenor status in this action to

advance renewable energy in Rhode Island. The issues to be resolved in this proceeding before the Division of Utilities and Carriers have the potential to have long term impacts not only on the Portsmouth wind facility, but on many other renewable energy projects in Rhode Island. The OER has observed the development of several other wind projects currently being delayed until the outcome of this proceeding. Therefore, OER has an interest in this proceeding to maximize renewable energy use in Rhode Island.

The OER also has an interest because partial funding for the Portsmouth wind facility came from the State's renewable energy development fund. In 2008, Portsmouth received a \$400,000 loan from the fund to assist in the construction of the wind turbine. The fifteen year loan to Portsmouth remains due. The OER participates in the management and administration of the fund. No other parties have intervened to protect the interest of the renewable energy development fund. Therefore, OER has an interest in the pending proceeding which may be directly affected and which is not adequately represented by existing parties.

Additionally, OER's participation in this proceeding is in the public interest. OER was created to:

- (1) Develop and put into effect plans and programs to promote, encourage, and assist the provision of energy resources for Rhode Island in a manner that enhances economic well-being, social equity, and environmental quality;
- (2) Monitor, forecast, and report on energy use, energy prices, and energy demand and supply forecasts, and make findings and recommendations with regard to energy supply diversity, reliability, and procurement, including least-cost procurement;
- (3) Develop and to put into effect plans and programs to promote, encourage and assist the efficient and productive use of energy resources in Rhode Island, and to coordinate energy programs for natural gas, electricity, and heating oil to maximize the aggregate benefits of conservation and efficiency of investments;

(4) Monitor and report technological developments that may result in new and/or improved sources of energy supply, increased energy efficiency, and reduced environmental impacts from energy supply, transmission and distribution;

(5) Administer the programs, duties, and responsibilities heretofore exercised by the state energy office, except as these may be assigned by executive order to other departments and agencies of state government;

(6) Develop, recommend and, as appropriate, implement integrated and/or comprehensive strategies, including at regional and federal levels, to secure Rhode Island's interest in energy resources, their supply and efficient use, and as necessary to interact with persons, private sector, non-profit, regional, federal entities and departments and agencies of other states to effectuate this purpose;

(7) Cooperate with agencies, departments, corporations, and entities of the state and of political subdivisions of the state in achieving its purposes;

(8) Cooperate with and assist the state planning council and the division of state planning in developing, maintaining, and implementing state guide plan elements pertaining to energy and renewable energy;

(9) Administer, as assigned by law or executive order, state and federally funded or authorized energy programs, which may include, but not be limited to:

(i) The federal low-income home energy assistance program which provides heating assistance to eligible low-income persons and any state funded or privately funded heating assistance program of a similar nature assigned to it for administration;

(ii) The weatherization assistance program which offers home weatherization grants and heating system upgrades to eligible persons of low-income;

(iii) The emergency fuel program which provides oil deliveries to families experiencing a heating emergency;

(iv) The energy conservation program, which offers service and programs to all sectors; and

(v) [Deleted by P.L. 2008, ch. 228, § 2, and P.L. 2008, ch. 422, § 2.]

(10) Advise the economic development corporation in the development of standards and rules for the solicitation and award of renewable energy program investment funds in accordance with § 42-64-13.2;

(11) Develop, recommend, and evaluate energy programs for state facilities and operations in order to achieve and demonstrate the benefits of energy-efficiency, diversification of energy supplies, energy conservation, and demand management; and

(12) Advise the governor and the general assembly with regard to energy resources and all matters relevant to achieving the purposes of the office. R.I. Gen. Laws § 42-140-3.

The OER is required by statute to promote and encourage renewable energy in the State of Rhode Island. The General Assembly has clearly acknowledged its support for renewable energy in Rhode Island when it determined that:

(a) The people and energy users of Rhode Island have an interest in having electricity supplied in the state come from a diversity of energy sources including renewable resources;

(b) Increased use of renewable energy may have the potential to lower and stabilize future energy costs;

(c) Increased use of renewable energy can reduce air pollutants, including carbon dioxide emissions, that adversely affect public health and contribute to global warming;

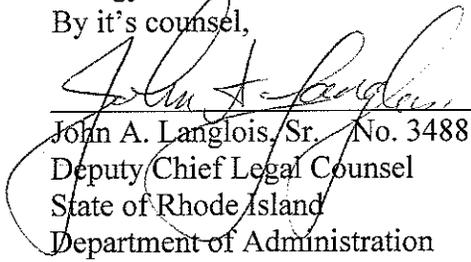
(d) Massachusetts, Connecticut, and other states have established renewable energy standard programs to encourage the development of renewable energy sources;

(e) It is in the interest of the people, in order to protect public health and the environment and to promote the general welfare, to establish a renewable energy standard program to increase levels of electric energy supplied in the state from renewable resources. R.I. Gen. Laws § 39-26-1.

With this unambiguous directive from the General Assembly to promote renewable energy in Rhode Island, the OER should be allowed to intervene in this proceeding to represent the public's interest in advancing renewable energy in Rhode Island.

Wherefore, the Rhode Island Office of Energy Resources respectfully requests that this motion be granted and the Rhode Island Office of Energy Resources be permitted to intervene in the above-captioned proceeding.

Respectfully submitted,
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Dated: March 23, 2011

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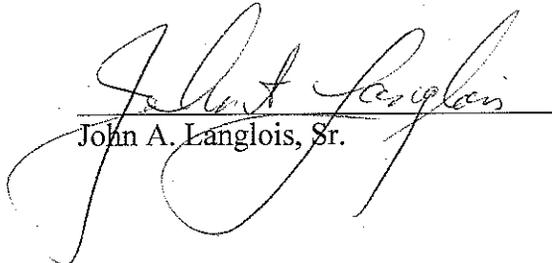
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