

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

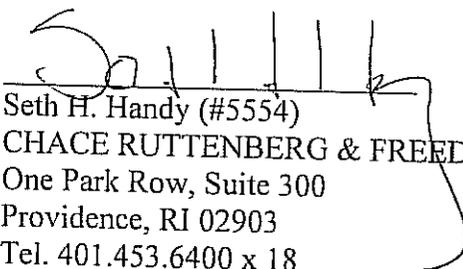
IN RE: COMPLAINT OF BENJAMIN RIGGS)
RELATING TO PORTSMOUTH)
GENERATING FACILITY)
_____)

DOCKET NO. D-10-126

NOTICE OF APPEARANCE OF COUNSEL

Pursuant to Rule 5 of the Division of Public Utilities and Carrier's Rules of Practice and Procedure, please enter my appearance on behalf of the Town of Portsmouth and The Washington County Regional Planning Council, in the above-captioned proceeding.

Respectfully submitted,


Seth H. Handy (#5554)
CHACE RUTTENBERG & FREEDMAN, LLP
One Park Row, Suite 300
Providence, RI 02903
Tel. 401.453.6400 x 18
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Dated: March 4, 2011

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

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

DOCKET NO. D-10-126

MOTION TO INTERVENE

BY

TOWN OF PORTSMOUTH

AND

THE WASHINGTON COUNTY REGIONAL PLANNING COUNCIL

By its attorneys, the Town of Portsmouth (Portsmouth) and the Washington County Regional Planning Council (WCRPC), hereby move pursuant to Rule 17(b) of the Rhode Island Division of Public Utilities and Carrier's ("Division") Rules of Practice and Procedure ("Rules") to intervene in the above-captioned proceeding and, in support of this motion, state:

1. Portsmouth is the Town that installed the wind turbine at issue in this case in reliance on the rate and power delivery mechanism made available by Rhode Island's net metering law and the tariff proposed by National Grid pursuant to that law and then approved by the Public Utilities Commission, and in reliance on guidance provided by National Grid.
2. WCRPC is a coalition of municipalities (North Kingstown, South Kingstown, Exeter, Narragansett, Charlestown, Hopkinton, Richmond, Westerly, and New Shoreham) that employs a coordinated approach to more effectively address issues that transcend municipal boundaries. WCRPC is comprised of one town council member from each of the nine towns within the county, and serves as a unique forum for inter-municipal communication, coordination and cost-sharing.

3. Rule 17(b) of the Division Rules states “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.”
4. Further, Rule 17(b) goes on to state that such a right or interest may be “an interest which may be directly affected and which is not adequately represented by existing parties.”
5. It is necessary and appropriate to grant Portsmouth and WCRPC the right to intervene in this proceeding.
6. Portsmouth’s interest is directly affected by this proceeding and is not adequately represented by existing parties. The Town has an interest in upholding the rate it is paid for energy generated from its wind turbine and no existing party represents that interest.
7. WCRPC also has an interest that is directly affected by this proceeding and is not adequately represented by the existing parties. WCRPC is planning, on behalf of its municipal members, several renewable energy projects that have anticipated reliance on the rate and power delivery mechanism offered through Rhode Island’s net metering law and the tariff proposed by National Grid pursuant to that law and approved by the Public Utilities Commission. WCRPC’s interest also is not represented by any existing parties.
8. Rule 17(b) also states that such a right or interest to intervene may be “any other interest of such nature that movant’s participation may be in the public interest.” In supporting the existing rate structure for the Portsmouth wind turbine and net metering projects in planning, Portsmouth and WCRPC will advocate for a position that is entirely consistent with the public interest as manifest in many Rhode Island statutes, the Rhode Island State Energy Plan and other public policy. These interests include, but are not limited to, job creation, stable energy pricing, reduced energy costs, a sustainable Rhode Island economy and environmental benefits. In these ways, the

residents of Portsmouth and Washington County all have currently unrepresented interests in this proceeding that will be represented by these intervenors.

9. Accordingly, this intervention is necessary and appropriate under Rule 17(b).

Please direct service of any correspondence or pleadings in connection with this proceeding to:

Robert G. Driscoll
Town Administrator
2200 East Main Road
Portsmouth, RI 02871-0155
rdriscoll@portsmouthri.com

and

Jeff Broadhead
Executive Director
Washington County Regional Planning Council
344 Main Street, Suite 202
Wakefield, RI 02879
jb@wcrpc.org

and

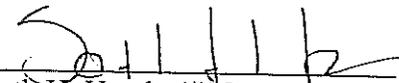
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Chace Ruttenberg & Freedman, LLP
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WHEREFORE, based on the foregoing reasons, Portsmouth and WCRPC ask that the Division grant this Motion to Intervene.

Respectfully submitted,

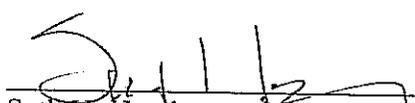
THE TOWN OF PORTSMOUTH and
THE WASHINGTON COUNTY REGIONAL
PLANNING COUNCIL

By their attorneys,


Seth H. Handy (#5554)
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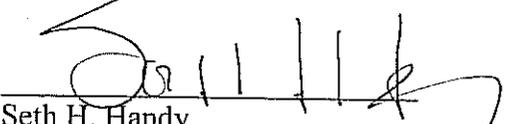
CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2011, I delivered a true copy of the foregoing document either by first class mail or by electronic mail to the existing parties, National Grid, The Division of Public Utilities and Carriers Advocacy Section and Benjamin Riggs.


Seth H. Handy

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 and have confirmed that Mr. Riggs has no objection but have not been able to determine the position of the other parties.


Seth H. Handy