

April 8, 2011

*Via Hand Delivery and E-Mail*

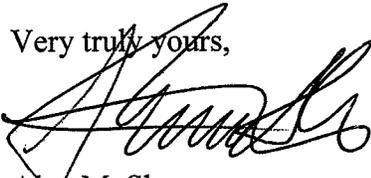
Luly E. Massaro, Clerk  
Rhode Island Division of Public Utilities & Carriers  
89 Jefferson Boulevard  
Warwick, RI 02888

**RE: Division Docket No. D-10-126 : Complaint of Benjamin Riggs Related to Portsmouth  
Generating Facility**

Dear Luly:

On behalf of CME Energy LLC please find enclosed an original and four (4) copies of a Motion for Intervention in Division Docket No. D-10-126. Thank you for your attention to this filing and please let me know if you have any questions.

Very truly yours,



Alan M. Shoer

AMS/dll  
Enclosures

cc: Service List (via e-mail)

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

**IN RE: COMPLAINT OF BENJAMIN RIGGS :  
RELATING TO PORTSMOUTH : DOCKET NO. D-10-126  
GENERATING FACILITY :**

**MOTION TO INTERVENE  
BY  
CME ENERGY LLC**

CME Energy LLC (“CME”) hereby moves to intervene in the above-captioned proceeding pursuant to Rule 17 of the Rhode Island Division of Public Utilities and Carriers (the “Division”) Rules of Practice and Procedure. CME avers that it has an interest of such a nature that its intervention in this proceeding is both necessary and appropriate, particularly given that the scope of this proceeding by the Division has yet to be determined. CME offers the following in support of its Motion:

1. Rule 17(b) provides that “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. According to this rule such right or interest is “(a)n 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.” Rule 17(b). Based on filings in this proceeding to date, CME’s interests in the East Providence Rhode Island project described herein “may be directly affected” by the determinations, rules and/or policies developed in this proceeding.<sup>1</sup>

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<sup>1</sup> The Division’s Notice of Hearing and Opportunity to Intervene, dated February 28, 2011 quotes the Division’s September 17, 2010 Letter, stating that the Division believes there are “unresolved issues associated with the complaint, and also with respect to Narragansett’s interpretation of the statutes which address net metering. Moreover, the Division’s data questions to National Grid inquired not just to the facts of the Portsmouth matter, but to other proposed projects involving Rhode Island municipalities. See, e.g., Division 1-11. Also, in National Grid’s

2. CME is a Boston, Massachusetts based energy project development company with over thirty (30) years of successful national and international energy development experience, including the design of solar installations on closed municipal landfill sites. CME's project development expertise assists communities which have uneconomic closed landfills available for productive, economically and environmentally sound solar applications.

3. CME's interests in this proceeding derives from its selection as the development partner for a solar energy project with the City of East Providence ("City"), in response to a Request for Proposal ("RFP") issued by the City in July 2010. This RFP was issued by the City to seek a development partner for the planned redevelopment of a former landfill site owned by the City and known as the Forbes Street Landfill, including the development of a renewable energy facility to supply energy needs to the City, as identified as the priority use for the landfill in the City's Comprehensive Plan Update.

4. CME's response to the RFP contemplates the development of a six (6) to twelve (12) MW solar energy project on the Forbes Street landfill site. CME's response was unanimously selected by the City Council as the winning response (there were seven total development team proposals submitted). Following this approval, CME and the City have entered into a project development agreement whereby CME is expected to undertake the required due diligence and necessary feasibility studies in order to determine whether the project can be successfully developed at the Forbes Street landfill. That process is about to begin.

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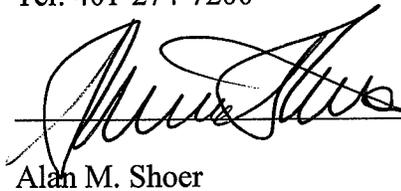
September 3, 2010 response to the Division the company 1) "believes there is at present uncertainty around the interaction of federal and state statutes, and that additional consideration of these issues by the Division and the Commission is warranted" and 2) welcomes "the opportunity to work with the Division to develop new regulations that will help to clearly interpret §R.I.G.L. 39-26-6 (September 3, 2010 Letter from Mr. Teehan to Mr. Spirito, pg. 2). Further, National Grid's February 23, 2011 response to the Advocacy Section's Memorandum of Law offers an alternative arrangement that may also be reviewed in this proceeding and that may impact the development of other projects in Rhode Island. Consequently, the extent to which this proceeding intends to establish policies or rulings that will be applied to other municipal net metering projects, including the East Providence solar energy project described herein, causes CME to seek intervention in this proceeding.

5. The determinations made by the Division in this proceeding, concerning the interpretation of the laws related to the use of net metering to projects developed in partnership with municipalities and with National Grid, has the potential to impact CME's proposed development of a solar energy project at the East Providence Forbes Street landfill. CME therefore has an interest in the outcome of this proceeding and there are no other parties that can adequately and directly represent the interests of CME in this proceeding.<sup>2</sup>

For the foregoing reasons, CME respectfully requests that the division grant its Motion to Intervene.

Respectfully submitted,

ADLER POLLOCK & SHEEHAN P.C.  
Alan M. Shoer, Esq. (#3248)  
One Citizens Plaza, 8<sup>th</sup> Floor  
Providence, RI 02903-1345  
Tel: 401-274-7200



Alan M. Shoer

Dated: April 8, 2011

<sup>2</sup> CME recognizes that the initial Notice requested filings by interested parties for March 23, 2011. However, that Notice contemplated a hearing date of April 6, 2011, which has been postponed until further notice following the dates selected at the procedural conference scheduled on April 12, 2011. CME's late intervention (under Div. Rule 17(f)) should therefore be allowed since no party will be prejudiced by this late intervention, where the schedule and scope of the proceedings have yet to be determined.

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2011, I delivered a true copy of the foregoing document by electronic mail to the parties on the attached service list.



A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "J. Smith".

**Service List for D-10-126**

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