

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

IN RE: Petition of PPL Corporation, PPL Rhode Island Holdings, LLC, National Grid USA, and The Narragansett Electric Company for Authority to Transfer Ownership of The Narragansett Electric Company to PPL Rhode Island Holdings, LLC and Related Approvals

Docket No. D-21-09

**MOTION FOR INTERVENTION
OF CONSERVATION LAW FOUNDATION**

I. Introduction

The Conservation Law Foundation (CLF), pursuant to Division of Public Utilities and Carriers (DPUC or the Division) Rule of Practice and Procedure (Rules) 1.17(B)(1)(c), respectfully files its Motion for Intervention in this Docket.

On May 4, 2021, PPL Corporation (PPL), PPL Rhode Island Holdings, LLC (PPL Rhode Island), National Grid USA (National Grid), and The Narragansett Electric Company (Narragansett) (collectively, the Petitioners) filed with the Division a joint petition seeking approval to transfer ownership of Narragansett to PPL Rhode Island pursuant to Rhode Island General Laws §§ 39-3-24 and 39-3-25. Under the proposed transaction, PPL would acquire National Grid's Rhode Island utility business, including all of its responsibilities, programs, and initiatives related to renewable energy, energy efficiency, beneficial electrification, decarbonization, and environmental protection generally.

CLF's participation in this proceeding will be in the public interest within the meaning of DPUC Rule 1.17(B)(1)(c).

II. The Intervenor

CLF is New England's leading environmental advocacy organization. Since 1966, CLF has worked to protect New England's people, natural resources, and communities. CLF is a nonprofit, member-supported organization with offices throughout New England. The Rhode Island CLF office is located at 235 Promenade Street, Suite 560, Providence.

CLF promotes clean, renewable, and efficient energy production and heating throughout New England and has an unparalleled record of advocacy on behalf of the region's environmental resources. As part of its 55-year legacy, CLF was a party in the landmark case in which the U.S. Supreme Court ruled that the U.S. Environmental Protection Agency has an obligation under the Clean Air Act to consider regulating tailpipe emissions that contribute to global warming, Massachusetts v. E.P.A., 127 S. Ct. 1438 (2007). CLF also obtained an injunction to stop drilling for oil and gas on the environmentally sensitive Georges Bank, Conservation Law Foundation v. Sec'y of the Interior, 790 F.2d 965 (1st Cir. 1986); litigated to ensure enforcement of an earlier settlement agreement in a case stemming from the Big Dig, which settlement agreement required 20 public transit projects in and around Boston including construction of additional subway and rail lines, Conservation Law Foundation v. Romney, 421 F. Supp. 2d 344 (D. Mass. 2006); and successfully advanced legal strategies to restore groundfish to the Gulf of Maine and southern New England waters. Conservation Law Foundation v. Evans, 211 F. Supp.2d 55 (D.D.C. 2002).

III. The Standard Governing this Motion

Intervention in DPUC proceedings is governed by DPUC Rule 1.17. CLF does not claim a right to intervene conferred by statute (Rule 1.17(B)(1)(a)), nor any direct pecuniary interest (Rule 1.17(B)(1)(b)). Instead, CLF bases its motion on the provisions of Rule 1.17(B)(1)(c),

which states that a party may intervene where “appropriate” if the party has “any . . . interest of such nature that petitioner’s participation may be in the public interest.” Interpreting Rule

1.17(B)(1)(c), the Division has written:

In deciding whether the “public interest” demands the participation of these movants, the Division must logically find that their individual interests warrant recognition and protection in furtherance of the general welfare of the public. In considering this, the Division must also balance several factors, specifically, whether the Division ultimately has the authority to grant the relief requested, whether the Movants may more effectively pursue their respective interests in other forums, and whether the intervention(s) would unduly delay or prejudice the adjudication of the rights of the Petitioners and other parties.

Division Order No. 18591, In Re Joint Petition for Purchase and Sale of Assets by the Narragansett Electric Co. d/b/a National Grid and Southern Union Company, Docket No. D-6-13 (ruling on the various motions to intervene in that docket).

IV. CLF’s Interest in This Proceeding

CLF is committed to using the law, policy, and the market to protect New England’s environment and combat the climate crisis. Utility companies have a key role to play in decarbonizing our economy and transitioning to clean energy.¹ In Rhode Island, National Grid has a number of responsibilities and operations related to decarbonization and environmental protection, including procurement of renewable electricity, pending grid modernization and advanced metering proposals, replacement of leak-prone pipe, avoidance of stranded assets in the transition to clean energy, and the administration of programs related to energy efficiency, non-wires alternatives, non-pipelines alternatives, electric vehicle charging infrastructure, home

¹ See, e.g., *Climate Action*, PPL, <https://www.pplweb.com/sustainability/climate-action/> (last visited June 25, 2021) (“PPL supports the need to transition to cleaner energy sources and recognizes that utilities play a major role in delivering a clean economy.”); *Prestigious Climate Change ‘A’ Score Received for Fifth Year*, National Grid, <https://www.nationalgrid.com/responsibility/environment/environmental-sustainability/performance-environmental-sustainability/our-climate-commitment> (last visited June 25, 2021) (“We are at the heart of the clean energy transition and have a critical role to play in tackling climate change.”).

heating conversions, and distributed generation. CLF has a keen interest in ensuring that the sale of National Grid's Rhode Island utility business to PPL does not result in the deterioration of any such programs or commitments.

In addition to our general interest in these programs and commitments as an environmental advocacy organization, in recent years CLF has been a direct party or participant in a number of Public Utilities Commission (PUC) dockets, working groups, and stakeholder processes related to decarbonization involving National Grid. These include Docket No. 4770 (the most recent gas and electricity rate case); Docket No. 4780 (the concurrent Power Sector Transformation case); Docket No. 4822 (reviewing National Grid's request for proposals for contracts for up to 400 MW of newly developed renewable energy resources); Docket No. 4929 (reviewing National Grid's contract for the purchase of energy and renewable energy certificates from a proposed 400 MW offshore wind farm); and Docket 5043 (reviewing National Grid's Long-Range Gas Plan). CLF has participated in the Power Sector Transformation Advisory Group since 2018, and has recently begun participating in the Energy Efficiency and System Reliability Procurement Working Groups. CLF also participated in National Grid's stakeholder process related to its Aquidneck Island Long-Term Gas Capacity Study and submitted comments. Additionally, CLF has participated in recent state stakeholder processes related to the siting of solar energy resources, the procurement of 100% of the state's electricity from renewable resources by 2030, and the transformation of the heating sector.

CLF's objectives in this docket—to ensure that PPL maintains National Grid's programs and honors National Grid's commitments related to decarbonization and clean energy—are based on our mission to protect natural resources and public health. Our objectives are aligned

with the public interest,² and with state laws and policies regarding air pollution, renewable energy, and carbon emissions reductions.³

CLF's intervention would also not unduly delay or prejudice the adjudication of the rights of the Petitioners and other parties. CLF has a long history of productive participation in dockets before the PUC and the Energy Facility Siting Board (EFSB). CLF was a full party to SB-2015-06, in which it successfully opposed the permitting of a 1,000-megawatt fossil fuel power plant in Burrillville, Rhode Island. CLF's history before the PUC includes Docket No. 3659 (setting Rules pursuant to R.I. Gen. Laws § 39-26-1, et seq., the state's Renewable Energy Standard (RES)); Docket No. 3765 (considering National Grid's 2007 RES compliance procurement); Docket No. 3901 (considering Grid's 2008 RES procurement); Docket No. 4012 (considering Grid's 2009 RES procurement); include Docket No. 4111 (the first of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project); Docket No. 4185 (the second of two dockets concerning Deepwater Wind's proposed Block Island demonstration wind project); Docket No. 4600 (concerning the development of goals for the future electric system and a benefit-cost framework for proposals before the PUC). As a result of this history, and its extensive experience in energy law and policy both in Rhode Island and in the rest of New England, CLF can play a constructive and helpful role in this Docket.

² The participation in this proceeding of a public interest organization such as CLF will serve the public interest. *See, generally*, John E. Bonine, *Public Interest Environmental Lawyers: Global Examples and Personal Reflections*, 10 Widener L. Rev. 451 (2004) (emphasizing the constructive and salutary role of public interest environmental lawyers in a wide range of legislative, judicial, and regulatory fora).

³ Governor McKee recently signed into law the Act on Climate (R.I. Gen. Laws 42-6.2-1, et seq.). This statute sets mandatory, enforceable carbon emissions reduction requirements for Rhode Island of 10% below 1990 levels by 2020; 45% below 1990 levels by 2030; 80% below 1990 levels by 2040, and net-zero emissions by 2050. Section 8 of the Act on Climate confers the power, the duty, and the obligation on the Division to consider the climate change implications of proposals that come before it. RI. Gen. Laws § 42-6.2-8.

V. Conclusion

WHEREFORE, for the foregoing reasons, CLF respectfully requests that its motion to intervene in this Docket be granted.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

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CERTIFICATE OF SERVICE

I certify that the original and seven copies of this Motion were filed with the Division of Public Utilities and Carriers. In addition, a PDF version of this Motion was served electronically on the service list of this Docket, as that list was provided by the DPUC on June 25, 2021. I certify that all of the foregoing was done on June 25, 2021.

/s/ James Crowley