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June 25, 2021

VIA EMAIL AND FEDEX

Ms. Luly Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Energy Development Partners, LLC – Docket No. D-21-09

Dear Ms. Massaro:

Enclosed for docketing, please find the original and four copies of Energy Development Partners, LLC's Motion to Intervene.

Thank you for your assistance in this matter.

Yours very truly,



Christian F. Capizzo

Enclosures

cc: Service List (*via email*)

**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. 2021-09

**MOTION TO INTERVENE OF
ENERGY DEVELOPMENT PARTNERS, LLC**

Energy Development Partners, LLC (“EDP”), moves to intervene in the above-captioned proceeding related to the proposed sale of the Narragansett Electric Company (“NEC”) pursuant to Rule 1.17(B)(1)(b) and (c) of the Rhode Island Division of Public Utilities and Carriers (DPUC) Rules of Practice and Procedure (“Rules”).

STANDARD OF REVIEW

1. Rule 1.17(B) states “any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Division.”
2. Rule 1.17(B)(1)(b) defines an intervening interest as “[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. 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. Rule 1.17(B)(1)(c) allows intervention for “[a]ny other interest of such nature that movant’s participation may be in the public interest.”

STANDARD FOR APPROVAL

4. The standard for approval of PPL's proposed acquisition of NEC under R.I. Gen. Laws § 39-3-25 is that "the facilities for furnishing service to the public will not thereby be diminished [by the Transaction] and . . . the terms [of the Agreement and the Transaction] are consistent with the public interest.

5. The first criterion requires a finding that "there will be no degradation of utility services after the transaction is consummated."

6. The second criterion requires that "the proposed transaction will not unfavorably impact the general public (including [customers])."

7. EDP seeks participation in this proceeding to advocate and ensure that these standards are met in the sale of NEC.

EDP WILL BE DIRECTLY AFFECTED BY THE TRANSACTION AND ITS PARTICIPATION IN THIS PROCEEDING WILL SERVE THE PUBLIC INTEREST

8. Energy Development Partners, LLP ("EDP") is a renewable energy solutions provider headquartered in Providence, Rhode Island. EDP works with landowners, public organizations, universities, companies and investors that want to reduce their carbon footprint by providing renewable energy solutions. It also works with organizations to help them develop, plan, and optimize their energy needs.

9. EDP's operations started in 2011 and it has since developed and brought on-line approximately 66 MWs of distributed generation solar energy projects in Rhode Island. Some of EDP's completed Rhode Island projects include University Solar, a 28 MW solar project located in Kingston, R.I., that generates electricity for the University of Rhode Island; Richmond Solar, a 5.8 MW solar project located in Richmond, R.I., and Founders Homestead, a 5.9 MW solar

project located in Portsmouth, R.I. EDP currently has over 200 MWs of renewable energy projects in development in the United States and another 1,180 MWs internationally.

10. EDP has deep, first-hand, and multi-year experience with the incumbent Rhode Island electric distribution utility's practices relating to distributed generation projects. That experience includes the ways that the incumbent utility has repeatedly failed to live up to its obligations under the State's policies and regulations, whether through lack of adequate internal processes or as a result of business self-interest. EDP is therefore strongly positioned to bring valuable perspective and experience to this Docket. That perspective and experience is based not only on the many renewable energy projects that EDP has developed in Rhode Island, but its comparative experience in other jurisdictions where – unlike in Rhode Island -- renewable energy projects progress in an orderly, predictable and transparent manner, thereby promoting collaborative clean energy development.

11. EDP is also uniquely positioned to positively and usefully inform the Division about the negative implications of PPL's planned acquisition for the public as a result of EDP's involvement in a 50 MW distributed generation solar project in North Kingston, R.I. EDP filed interconnection applications for its fully permitted project *almost four (4) years ago* – in September 2017. The projected completion date for the interconnection is currently December 2021. EDP was advised by the incumbent utility that this particular large interconnection is at the leading edge of a “*new world*” for distributed generation in Rhode Island. NEC has also attributed years of delay and unforeseen cost increases for EDP's interconnection to changes supposedly driven by this “*new world.*”

12. The financial consequences of NEC's evolving and opaque interconnection process for EDP are immense. Although EDP is responsible for “*reasonable*” interconnection

capital costs, NEC refuses to share basic information relating to its construction and equipment procurement. Although operations and maintenance costs for a new interconnection are de minimis, NEC relies on an anticompetitive agreement with its transmission affiliate to demand hundreds of thousands of dollars of unjustifiable fees annually. Although EDP's interconnection will be completed in December 2021, NEC will not perform a "true up" and return excess capital costs paid by EDP until 2024, more than three (3) years later – in effect, denying EDP access to millions of dollars of its own money without any justification. EDP has experienced, and continues to experience, similarly mind-boggling charges for interconnection on its other renewable energy projects in Rhode Island.

13. EDP's close familiarity with the incumbent utility's planning and management of the *first large distributed generation interconnection* project being completed in Rhode Island under evolving market and regulatory conditions for renewables, and the *multi-million-dollar financial impact* of the incumbent's constantly evolving regulatory interpretations and lack of transparency to EDP, is unique and supports granting this motion to intervene.

14. Furthermore, EDP's participation is in the public interest because EDP's unique first-hand experience with current market and regulatory issues facing distributed generation developers will assist the Division in assessing whether the "facilities for furnishing service to the public will not thereby be diminished [by the Transaction] and . . . the terms [of the Agreement and the Transaction] are consistent with the public interest." R.I. Gen. Laws § 39-3-25.

15. In this proceeding, EDP will seek PPL's commitment to increased transparency with interconnection customers like EDP. The interconnection planning and procurement process must be transparent, allowing interconnection customers the opportunity to provide input

and help shape the plan to prevent overbuilding and excessive costs that discourage Rhode Island renewable energy projects and that are contrary to the public interest, as reflected in the State's renewable energy goals.

16. EDP will also seek assurance from PPL that EDP's funds, being held by NEC, will be protected and that procedures for reimbursement are not just maintained, but rather, improved from to ensure fairness and promote investment in Rhode Island renewable energy projects. EDP currently has multiple renewable energy projects in Rhode Island and has tendered to NEC millions of dollars in capital costs for a newly constructed substation, and related infrastructure improvements to several other substations. Under current NEC procedures, EDP is required to provide the capital costs for construction and is entitled to pro-rata reimbursement from subsequent interconnectors. Under NEC's existing practice, the "true up" on these reimbursements takes about three (3) years to occur. For current EDP participating renewable energy projects, that would mean NEC is holding over \$10,000,000.00 in reimbursable funds due to EDP in 2024, which is three (3) years after the proposed conveyance to PPL.

17. EDP, as a developer of large-sized renewable energy projects, has recently been subjected to demands by NEC for payment of alleged Direct Assignment Facility ("DAF") charges allegedly owed to NEC's transmission affiliate. These charges are not customary outside of New England and do not reflect current public policy, market and regulatory realities. Furthermore, NEC's existing anticompetitive intra-enterprise agreements with its transmission affiliate relating to operation and maintenance charges for transmission infrastructure owned by NEC must be subjected to heightened scrutiny if PPL plans to continue to with such charges.

EDP seeks PPL's assent to terminate the levying of anticompetitive and outdated DAF charges by amending the Interconnection Tariff to reflect the same.

CONCLUSION

18. EDP requests participation in this proceeding to protect its economic interests and the public interest in a pro-competitive, pro-renewable energy, and a well-managed electrical infrastructure grid.

19. EDP and its related entities are not represented by existing parties to this proceeding. Neither party in the conveyance represents the financial interests of EDP and its related entities in ensuring proper procedures to reimburse over \$10,000,000.00 in reimbursable payments to EDP participating projects; to terminate NEC's anticompetitive intra-enterprise agreements with its transmission affiliate regarding operations and maintenance charges; and to ensure that planning and procurement transparency exists from the perspective of a Rhode Island renewable energy developer that has extensive experience with the same.

20. EDP's interests will be bound by the Division's action in this proceeding. The sale of NEC and the review of the public's interest in that sale will have profound impact on EDP and its various Rhode Island renewable energy projects.

21. EDP's participation in this proceeding is in the public interest as the future of renewable energy projects in Rhode Island must include those renewable energy developers who are financially improving the electrical grid infrastructure with their private funds, essentially being used as private financiers by NEC with little respect or regard for such investment in both time and money.

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

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WHEREFORE, EDP asks that the Division grant its Motion to Intervene.

Respectfully submitted,

ENERGY DEVELOPMENT PARTNERS,
LLC AND ITS RELATED ENTITIES

By Their Attorneys,



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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2021, I sent a true copy of the document by electronic mail to the Division and the service list and filed the original pleading and four copies with the Division.



Christian F. Capizzo

Docket No. D-21-09 PPL Corp., PPL RI Holdings, LLC, National Grid USA and The Narragansett Electric Co. – Petition to Transfer Ownership and Related Approvals

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