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June 25, 2021

*(Via Electronic Mail and First-Class Mail)*

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

**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**

Dear Ms. Massaro:

Enclosed please find for filing with the Division of Public Utilities and Carriers is an original and four (4) copies of the Protest and Motion to Intervene of Friends of India Point Park, Fox Point Neighborhood Association, Jewelry District Association, Residential Properties, Narragansett Brewing Company, Grand Festivals, and David Riley.

If you have any questions, please do not hesitate to contact me at (401) 274-3306 Ext. 0. Thank you for your assistance in this matter.

Very truly yours,

/s/ Kimberley A. Campagna

Kimberley A. Campagna

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on the 25<sup>th</sup> day of June, 2021 a copy of the cover letter and Protest and Motion were electronically transmitted to the individuals listed below.

/s/ Kimberley A. Campagna \_\_\_\_\_

Kimberley A. Campagna

**DOCKET NO. D-21-09**

**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**

**Service List Updated 6/21/2021**

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**STATE OF RHODE ISLAND  
DIVISION OF PUBLIC UTILITIES AND CARRIERS  
89 JEFFERSON BOULEVARD  
WARWICK, RI 02888**

IN RE: Petition of PPL Corporation, PPL Holdings, LLC :  
National Grid USA, and The Narragansett Electric Company : Docket No. D-21-09  
for Authority to Transfer Ownership of The Narragansett :  
Electric Company to PPL Rhode Island Holdings, LLC :  
and Related Approvals :

**PROTEST AND MOTION TO INTERVENE OF FRIENDS OF INDIA POINT PARK,  
FOX POINT NEIGHBORHOOD ASSOCIATION, JEWELRY DISTRICT  
ASSOCIATION, RESIDENTIAL PROPERTIES, NARRAGANSETT BREWING  
COMPANY, GRAND FESTIVALS, AND DAVID RILEY**

**INTRODUCTION**

Pursuant to Rules 1.17 and Rule 1.18 of the Division of Public Utilities and Carriers' Rules of Practice and Procedure, the Friends of India Point Park, Fox Point Neighborhood Association, Jewelry District Association, Residential Properties, Narragansett Brewing Company, Grand Festivals, and David Riley, [collectively, "Providence Intervenors" or "Movants"], hereby protest and move to intervene in the above-captioned matter to protect vital environmental, social and economic interests as they relate to the siting and operation of energy infrastructure in close proximity to nearby residents, businesses and parklands along the waterfront of the City of Providence. Movants have real and substantial interests that are directly affected by the proposed transaction, and seek to ensure that any approval is conditioned on requirements that this transaction does not further undermine citizen rights, cause greater economic damages, and further erode the quality of life of those residents, businesses and park users who have been directly impacted and injured by National Grid's current efforts to erect high-voltage power lines along the intensely urban areas of the waterfront.

These residents, businesses and park users are also customers of National Grid, and they hereby assert their right to ensure that any approval of this transaction not only redress the unjust activities and conduct of National Grid over the course of almost two decades, but also ensure that any transaction approval is explicitly conditioned on PPL Corporation's agreement to treat the neighborhoods and businesses of Providence in the same manner as the communities and businesses of other towns and cities in Rhode Island wherein National Grid devoted substantial time, resources and support to bury power lines without any transparency to either the Division or the Public Utilities Commission.

This Motion will set forth in particular detail regarding the gross disparate treatment that low income, urban communities in Providence continue to suffer as National Grid systematically deploys every effort to undermine, hinder and obstruct the 18+ year effort to bury the "E-183" transmission line; an effort that had long been supported by the City of Providence, the Rhode Island Department of Environmental Management, the Rhode Island Division of Statewide Planning, many elected officials (local, State and federal), countless associations and citizens from all across the State.

What is most remarkable is that all of these non-utility organizations worked collaboratively to raise an unprecedented \$18 million towards the burial effort, which was the price of the project that National Grid quoted in 2007. This led the parties and the Energy Facility Siting Board to believe that the burial project would proceed and be completed. National Grid's decades-long intransigence toward embracing available technologies to bury the E-183 power line through Providence communities, and the utility's apparent discrimination against lower-income communities like Providence, must be addressed in the context of this transaction proceeding. According to State law, this transaction should not be approved unless it is consistent with the public interest. Neither National Grid, nor any utility, should be permitted

to reap the monetary benefits from a transaction until the egregious conduct described within this pleading is remedied. No other party can adequately represent these interests.

### ARGUMENT

In support of the above statements and consistent with the requirement to document the concrete and particularized interests of the Providence Intervenors, Movants hereby state as follows:

1. Friends of India Point Park (FIPP) is a non-profit association representing the interests of park goers who cherish the park as a natural refuge from the city's heavily urban environment. The Association and its members work with the City of Providence and affected stakeholders to protect and enhance the park's unique natural beauty and cultural resources since it remains as the only expansive shoreline public space with sweeping water views of Narragansett Bay in the Capital City of the Ocean State.

India Point is a "regional park" that serves a diverse population of more than 150,000 people a year, where on a given Sunday afternoon Spanish is spoken by "almost half" the park goers, according to the Providence Parks Department (Letters from PPD Superintendent to FIPP, 2004 and 2013). The park is especially important for people who lack the means to escape to the countryside outside the city. The high-voltage power lines and their massive towers are such a looming presence that they leave "the psychological perception that the park is a National Grid right-of-way," according to a former Parks Department Deputy Superintendent (Greenways grant application, 2003). Our interest in burying the power lines is to free the park of this unsightly and unnecessary intrusion. Our email lists include more than 500 people, approximately 400 of whom live in Rhode Island and are currently National Grid customers. FIPP has been advocating burying the waterfront power lines since 2002 and has collected statements urging burial from 70 public and private organizations, including 50 business, environmental,

neighborhood, and community groups, as well as seven Providence Journal editorials, and 2,100 petition signers from all 39 Rhode Island cities and towns.

2. The Fox Point Neighborhood Association (FPNA) is a 30+ year old non-profit organization with a membership of some 500 people, a five-person board of directors, and one staff person, all or most of whom are National Grid customers. FPNA members frequently go to India Point Park to relax and get outdoor exercise. FPNA members use the park almost every day of the year. FPNA is dedicated to protecting and enhancing the quality of life in the neighborhood and its historic integrity and resources. As such, there have been few efforts over the last 20 years that better align with this mission than the case to remove the park's high-voltage power lines, which significantly detract from thousands of people enjoying the beauty of the park and its graceful shoreline. Burying the lines would allow the park to reach its full potential as a natural retreat from busy city life. Thousands of neighborhood, city, and state residents would benefit, as well as commuters, tourists, and businesses.

3. The Jewelry District Association (JDA) is a volunteer, nonprofit, 33-year-old organization formed to promote and ensure a welcoming environment for working and living and enjoying life in an evolving area in Providence. Its 250 members and 12-member Board of Directors — representing residents, small businesses, health care, corporate and academic institutions — are Rhode Island residents and customers of National Grid. Having endured unsightly rusting, 100-year-old transmission towers and high-voltage power lines dominating the western bank of the Providence River for decades, the Association is well aware of the harm that overhead power lines inflict on the cityscape and sense of well-being of a community for residents and visitors alike. Now that National Grid has removed the towers and buried the lines adjacent to the South Street Landing development, JDA fully appreciate the enormous public

benefit of burying overhead lines. When JDA members go to the Fox Point waterfront just across the river, members continue to experience the deleterious impact of these lines on another precious open space in the highly urbanized city.

4. Residential Properties. Sally Lapides is the owner of Residential Properties Ltd, Rhode Island's largest real estate company with over \$1B worth of sales in 2020. The Providence Office is the most successful office in the State and located within walking distance of India Point Park. There are 251 agents and 35 staff members; 95% of the agents and staff live in Rhode Island and are customers of National Grid. For years, Ms. Lapides has supported the burying of the power lines in the Park. The clients frequently comment that they do not want to live in the area because of health reasons related to power lines. Prospective real estate purchasers consistently comment on how ugly the harbor is with high voltage power lines. They ultimately moved the entire company to Boston. The lines devalue property values and deter companies from investing in the State. All these negative effects of overhead power lines are obviously harmful to the business.

5. Narragansett Brewing Company is a Rhode Island-born company founded in 1890, and is located at 271 Tockwotton Street in Providence, directly across from India Point Park and Narragansett Bay. The brewery offers a unique experience for beer-lovers as well as the diverse demographic that live in and around Providence. Narragansett Brewing Company offers and distributes beer products across the U.S. to 26 states, but its new taproom offers the opportunity to try over twelve draft beers that are unique to our Providence location. The new brewery location provides both an amazing view and access to both Narragansett Bay and the famous India Point Park. Overhead power lines present a threat to the business in a multitude of ways. The exposure of overhead lines and poles can present a hazard for possible automobile



accidents in front of its business as well as a threat when inclement weather happens in the area. The removal of power lines also makes room for trees and other natural foliage to be planted which closely follows our company's green infrastructure initiative.

6. Grand Festivals is an events and entertainment group that hosts festivals at India Point Park in Providence. The organization works with the City of Providence, State of Rhode Island, and dozens of local businesses to bring thousands of people to enjoy the beauty of the park and the city's only expansive shoreline public space with waterfront views. It is expected at least 10,000 people will attend its 11<sup>th</sup> annual Rhode Island Seafood Festival in the park the weekend after Labor Day this year, based on past experience. When the Festival considered having a helicopter company do tours of Providence from the park, they were told that the overhead power lines make the park a no-fly area. The wires harm the business by preventing the Festival from offering a popular attraction that would dramatically increase the client base, while publicizing the beauty of Providence and nearby Narragansett Bay as an attractive place to live and visit.

7. David Riley has lived in Fox Point five blocks from India Point Park for 23 years, bikes to the park 2-3 times a week, and highly values picnicking, walking, relaxing, and appreciating this shoreline park. He is a current and long-time member of the Fox Point Neighborhood Association, has been co-chair of Friends of India Point Park (FIPP) since FIPP was founded in 2000, has actively participated in frequent work projects, annual cleanups, and weekly graffiti removal efforts to improve the park since then, and has been a leader of the campaign to get the high-voltage power lines in the park buried since that effort began in 2002.

Riley has been a customer of National Grid (aka Narragansett Electric) since moving to Providence in 1998, timely pays his electric and gas bills, and contributes to the burial initiative

by virtue of National Grid's possession of refunds that are dedicated to burying the power lines. He has been injured by the fact that National Grid has inappropriately diverted \$587,000 in burial funds to pay for the company's "overhead" and the cost of paying its attorneys and engineers who have long argued against burial during multiple Energy Facility Siting Board hearings that Riley has attended. Every time Riley visits the park, he has to pass under the high-voltage power lines that stretch across the pedestrian bridge entrance to the park and has therefore been injured by repeated exposure to the health hazards of electromagnetic fields (EMF). This injury has occurred for more than 20 years and will continue under the proposal to leave the power lines overhead that National Grid seeks to impose on the park and its users for generations to come.

8. On October 9, 2003, National Grid filed a Notice of Intent with the Energy Facility Siting Board (EFSB) to "modify" the E-183 transmission line to accommodate the relocation of Interstate 195 across the waterfront of Providence. The filing also proposed replacement of transmission facilities spanning the Seekonk River, which was then almost 100 years old. The Cities of Providence and East Providence, along with the Attorney General, intervened and opposed the proposal to replace the facilities with overhead structures, as underground technology was available to minimize significant environmental and socio-economic impacts of the overhead proposal.

9. In 2004, the parties reached a settlement that was approved by the Board. It was the full intent of the non-utility parties to achieve the underground solution, as reflected by their success in raising approximately \$18 million to pay for the burial project, an amount that equalled National Grid's \$18.3 million cost estimate in January 2007, not including land acquisition in Providence (FIPP Chronology, 1/20). Nonetheless, National Grid repeatedly

attempted to undermine efforts to advance the burial solution, despite the fact that three reputable engineering firms confirmed that the project was feasible from an engineering and technical perspective.

10. Among the \$18 million of raised funds are federal and state highway monies, customer refunds that were reserved by National Grid in 2004 for the benefit of burial project. Movants have serious concerns about National Grid's historical use of burial funds that clearly violated the intent of the 2004 Settlement. Specifically, Movants seek to obtain an accounting of their funds in the context of this transaction, and seek explicit transaction conditions that will require National Grid to replenish those funds for \$587,000 of inappropriate withdrawals from the burial fund to compensate National Grid's lawyers and consultants, including \$40,346 in "overhead" costs. (National Grid response to EFSB Record Request #1, 3/15/17) Meanwhile, all other parties to the settlement had to pay for their own lawyers and consultants, including "overhead" costs. National Grid's decision to drain the burial fund was not only inconsistent with EFSB settlement, but also constituted evidence of bad faith, since National Grid's conduct undermined the non-utility parties' ability to pay for the burial initiative. As a result, the Division should not approve this transaction until National Grid makes the necessary reimbursements to the burial fund.

11. In 2016, National Grid peeled off one settling party, the City of East Providence, and embarked on a renewed effort to construct the power lines above the newly renovated Washington Street Bridge and Linear Park that now crosses the Seekonk River. Federal and State taxpayers paid \$176 million over the course of 20 years to rehabilitate this highway infrastructure and in the process created a pedestrian and bike parkway that connects the two cities and extends a new greenway along the south side of the river. The EFSB, over the

objection of the City of Providence, approved the newly proposed overhead alternative, even though it was clearly different from the specified overhead alignments contained in the 2004 settlement and more importantly, was not consented to by all parties to the Settlement.

12. The Attorney General of Rhode Island recently told the Supreme Court that the EFSB's decision approving National Grid's proposal to abandon the burial project did not (1) meet legally required procedural requirements; (2) was not supported by the evidence; and (3) failed to "meet the basic standard for agency decisions." These failings are attributable to National Grid's misconduct and are inconsistent with the duties of public utilities and carriers as prescribed in Title 39 of the General Laws of Rhode Island. (Amicus Curiae Brief of Attorney General Peter Neronha in Case No. 2018-0040-MP, (3/4/21)). Providence Intervenors have sustained substantial injuries as a result of National Grid's conduct, and they hereby seek proper assurances from the PPL Corporation that the transgressions in agency proceedings before the Siting Board will be remedied immediately. Otherwise, National Grid's and PPL Corporation's joint application seeking approval of the asset transfer should be held in abeyance until such time as the Supreme Court issues a final determination on the merits of the Attorney General's claims.

13. Moreover, Providence Intervenors rightfully seek assurances that PPL Corporation will not continue National Grid's practice of undermining the social and environmental welfare of customers, communities, businesses and park users along the waterfront of Providence, especially since they have had to unnecessarily live with the negative environmental and economic impacts of high-voltage facilities that arguably should have been buried almost twenty years ago. Any authorization to become a chartered public utility in Rhode Island must be conditioned on an applicant's commitment that it will not erect and operate energy facilities that undermine the environmental, economic and social interests of Providence

Intervenors, particularly given that new overhead transmission lines will subjugate these interests for another 100 years.

14. Movants have learned that National Grid has apparently worked to meet numerous requests of other communities around the State to achieve burial solutions over the course of decades. These revelations raise considerable questions not only about National Grid's treatment of Providence Intervenors, but also about whether PPL Corporation will continue these disparate and unjust practices as it relates to Providence communities, since all communities regardless of ethnicity or income should be treated equally as a matter of law.

15. Providence Intervenors have suffered unnecessary harm — lower property values, inferior aesthetic values, decreased economic activity due to the existence of industrial facilities, and higher health risks due to the presence of electromagnetic fields (EMFs) within the parks today where residents' children use the playground and play soccer directly beneath the high voltage power lines in the presence of EMFs as they have had to do for decades. In fact a high percentage of people using the park enter via the pedestrian bridge, which requires passing directly under the high-voltage power lines at the top of the bridge which is much closer to the wires than ground level. This example of direct harm from EMF exposure would be substantially increased by National Grid's latest overhead proposal to move the eastern part of the lines much nearer to residential areas of Fox Point, and directly above another park (the Washington Bridge Linear Park) for likely the next 100 years. These existing and future injuries should be addressed and resolved within this proceeding, particularly in light of the fact that National Grid mitigated or eliminated the same type of threats facing other cities or towns across the State, as described below.

a). Town of East Greenwich — 1994. National Grid spent an additional \$6 million to address the concerns of 37 homeowners on Cindy Anne Drive in East Greenwich, after the neighbors and the Town of East Greenwich expressed concerns about the impacts to property values and health impacts stemming from the presence of EMFs. As a result, the EFSB ordered that a three-mile section of 115kV lines be moved farther from the houses to reduce the abutters' EMF exposure from 18mG to virtually zero (0.4mG). Today the lines are visible on the east side of Rte. 4 south of I-95. The EFSB ruled that reducing EMF exposure was a valid reason for moving the lines. The socialized cost was more than \$8 million, about \$6 million of which was the incremental cost of moving the existing lines.

b). Town of Smithfield ~1998: Sometime around 1998, Fidelity executives complained about overhead power lines along the public roads leading to Fidelity's corporate office headquarters *after* the new structures (poles and wires) had just been erected by National Grid. In response to their complaints, National Grid quickly removed the facilities and then buried them at the expense of ratepayers statewide. Neither the EFSB, the PUC, nor the Division inquired about the appropriateness of these costs being borne by National Grid's ratepayers instead of by Fidelity executives.

c). Town of Narragansett — 2016: Local officials and citizens objected to the proposed construction of 5 miles of overhead transmission facilities that would connect an offshore wind farm to the interstate electric grid. According to an engineer residing in the Town, it would have been “unsightly to place [a] high-voltage line right alongside Narragansett Avenue” or along Scarborough Beach and across the Sprague Field recreational area where they would “divide Sprague Park in half.” (Block Island Times,

1/26/13) Four months after City Councilman Doug McLaughlin objected to the “absolutely ugly-looking poles,” the owner of the wind farm decided to bury the 34.5kV line through the Town, stating, “We understand the concerns the folks in the neighborhood have about the overhead lines.” (Providence Journal 5/7/13). According to the Journal, National Grid took charge of burying the wind farm lines because of its experience with installing submarine cables.

The burial of the wind farm transmission facilities increased the cost of the project to \$107 million, all of which had to be paid by statewide ratepayers. National Grid’ strategy in that case ultimately allowed the company to reap an additional \$46 million in profits, according to the Public Utilities Commission (PUC), which pushed the entire transmission project cost to a whopping \$145 million. The incremental profits are not only obscene, but clearly could instead have been used to help defray the cost of the E-183 burial project, rather than forcing cash-strapped urban communities to raise the funds for transmission facilities that serve the entire New England region.

Of course, National Grid would receive no similar benefit in the form of enhanced profits for the Providence burial project since non-utility stakeholders, including Providence Intervenors, were required to raise the necessary funds, which could be why National Grid has no interest in helping or assisting the project to move forward. Movants seek to ensure that National Grid does not exit the State before the PUC concludes its investigation concerning the legality and propriety of National Grid billing practices which led the PUC to conclude that the additional \$46 million in excess profits may have violated state law, and, according to PUC Chairman Ron Gerwatowski, former chief legal counsel of National Grid, is “appalling,” “unconscionable,” and amounts to “ripping off ratepayers.” He said, “They’re making so much money on this

that it's ridiculous. The company should be ashamed of itself." (Providence Journal, 4/8/21) Providence Intervenors will be injured if such monies are not refunded and made available for infrastructure projects such as the India Point power line burial project.

d). Town of Middletown — 2017: National Grid worked cooperatively with U.S. Fish and Wildlife Service to bury power lines to enhance the aesthetic and recreational values along the access roads to Sachuest Point Road near Second Beach. "This collaboration made it possible to enhance the beauty of the refuge while reinforcing the reliability of the electric system that serves our customers," according to then National Grid President Tim Horan (Providence Journal, 5/12/17). "It's just spectacular to see a natural environment instead of seeing a pole line going down the road," according to Sachuest Refuge manager Charlie Vandemoer (Providence Journal, 5/12/17). "Improving Sachuest's resilience is important to the community because of the exceptional concentration of natural and cultural resources, recreational uses, and economic assets located in this vulnerable coastal area," said Kaity Ryan, spokesperson for the Scenic Aquidneck Coalition. (Preserve RI news release, 7/11/14)

Most significantly, no details are available to confirm how or whether National Grid provided financial or internal logistical support at statewide ratepayers' expense to achieve the burial project. Certainly, there is no evidence that the Town of Middletown paid for the legal or internal "overhead" costs associated with supporting the burial project, such as Providence Intervenors have had to do to date. It is unclear whether the PUC or Division had any information or data to understand whether the Town or the proponents of the project paid National Grid for internal or external costs for the full project since National Grid has never provided any information or transparency regarding how the project was estimated and whether or not the final costs were fully calculated



and recovered from the Town or its residents, as National Grid has demanded of Providence Intervenors. Yet, the project was touted as restoring “scenic resources” and providing a “safer place for the numerous cyclists, beach-goers, surfers, birdwatchers, and others that visit Second Beach.” (Preserve RI news release) “Removal of the utility line will enhance the landscape quality of this important heritage area for the appreciation of all,” said Preserve RI Executive Director Valerie Talmage. The same arguments were advanced by the City of Providence and by all of the Providence Intervenors, and yet National Grid did NOTHING over the course 18 years to help advance a burial project of arguably greater significance to Rhode Island — the signature waterfront landscape of Rhode Island’s Capital City, which includes four popular parks used by approximately 200,000 people annually: India Point and Corliss Landing in Providence, Bold Point in East Providence, and the Washington Bridge Linear Park connecting the two cities.

e). Town of Westerly — Watch Hill (2014-19): Similar to the burial initiative in Middletown, National Grid also worked cooperatively with the Town of Westerly and other stakeholders to bury power lines along Main Street in order to “revitalize the area and to enhance public safety and aesthetic beauty” (“Watch Hill Conservator,” the Watch Hill Conservancy newsletter, 2015).

The project advanced Westerly’s economic development and aesthetic interests. According to public sources, the project provided a “new uncluttered panorama of the ocean and Fishers Island Sound.” (Watch Hill Conservator, Spring 2010) “This infrastructure makeover replaces the century-old utilities that were originally in place. The benefits of the project are many: it protects critical infrastructure from storm damage and it significantly increases the aesthetics of the Bay Street business district.” ([thewatchhillconservancy.org](http://thewatchhillconservancy.org)).

16. While Movants understand that some level of third-party funds were available to partially achieve the burial initiatives, there has been no accounting by utility regulators regarding the cost of the financial, technical or “overhead” support that National Grid provided to these projects, including whether or not the cost estimate was prepared with the same vigilance and detail that National Grid continues to impose on Providence. In contrast, Providence Intervenors have witnessed National Grid’s continued effort to maximize the projected costs of underground solutions, while not employing similar diligence to accurately project the costs of overhead alternatives. Again, there has been no transparency into how National Grid facilitated projects in the wealthier communities of Rhode Island in terms of estimating the costs of these projects, and assigning internal and external legal and engineering costs to these stakeholders in the same manner that National Grid has systematically done to the City of Providence and Providence Intervenors in connection with the E-183 burial project.

17. Given the repeated increases in cost estimates for the E-183 burial project, along with no corresponding diligence for calculating the projected costs of overhead alternatives, it remains inconceivable that there were no glitches or funding shortfalls for any of the other burial projects that National Grid helped to spearhead in the other cities and towns across Rhode Island. Diligence in calculating the costs of overhead projects not only narrows the monetary gap for justifying underground alternatives, but more importantly constitutes the “yardstick” for determining what level of funding will be provided to the burial project by New England’s regional transmission operator (ISO New England), an amount that could cover any current shortfall in funds to accomplish the burial of the E-183 transmission line.

18. The history enumerated above demonstrates that National Grid buries infrastructure only when it is out of the regulators’ eyes, and only for communities where the demographics heavily lean in favor of National Grid’s cooperative efforts and deployment of

utility resources to achieve burial solutions. Consider the available demographic data for the Towns listed above: East Greenwich is 86 percent White with only 5% of residents living in poverty. Watch Hill is listed as 100% White and 9% in poverty. Narragansett is 93% White and 16% in poverty. Middletown is 80% White and 9% in poverty. Yet, for the urban neighborhoods like Fox Point where many residents have little or no capacity to reach places like Newport's Second Beach or Westerly's famed Watch Hill, the demographics for Providence are starkly different: 33% White and 25% living in poverty.

19. National Grid's capability and success in finding solutions for burial proponents around the State is certain. But what is not certain is whether the company should be allowed to leave Rhode Island without correcting the conspicuous track record that documents the disparate treatment to residents, businesses and park users in and along the Fox Point neighborhood. National Grid's approach to siting energy infrastructure in Rhode Island is inconsistent with corporate governance responsibilities. These are the types of injuries that are currently under consideration in the legislature as well, as documented in a pending environmental justice bill sponsored by Senator Dawn Euer, which would require the state to designate environmental justice areas in which permits should not be issued for new or existing facilities without first assessing environmental and public health impacts. These issues are squarely relevant to question of public utility ownership and impacts on the public as documented in this Motion. Consequently, Providence Intervenors seek assurances that any transaction approval will also immediately remedy the systemically disparate treatment suffered by Fox Point residents, commercial enterprises, and India Point Park users. A license to conduct public utility operations in Rhode Island must be governed by the most basic social and egalitarian values, and any transfer of that license must meet such basic requirements in order to be deemed consistent

with the public interest. Providence Intervenors seek to intervene to protect these interests as no other party currently does so in this proceeding.

### CONCLUSION

Based on the foregoing statements, Movants seek assurances that this transaction will not be approved as consistent with the public interest unless PPL Corporation commits to the following:

a). Remove existing transmission infrastructure along and within the contours of India Point Park.

b) Not erect and operate energy facilities that undermine the environmental, economic and social interests of Providence Intervenors.

c) Discontinue National Grid's disparate and unjust practices as they relate to Providence communities, because all communities regardless of ethnicity or income should be treated equally as a matter of law.

d) Provide transparency about all internal and external legal and engineering costs and construction cost estimates related to all burial projects, including those cited in this Motion to Intervene.

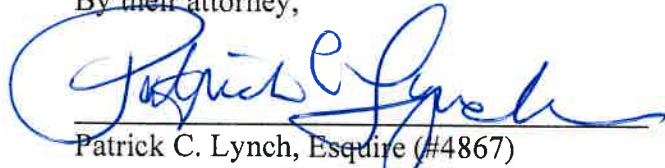
e). Restore the burial fund by those amounts that National Grid - used to pay its outside lawyers, consultants and "overhead," which were inappropriately paid for out of the burial fund.

f) Such other relief as the Division seems just and reasonable.

Respectfully submitted,

FRIENDS OF INDIA POINT PARK,  
FOX POINT NEIGHBORHOOD ASSOCIATION,  
JEWELRY DISTRICT ASSOCIATION,  
RESIDENTIAL PROPERTIES, NARRAGANSETT  
BREWING COMPANY, GRAND FESTIVALS, AND  
DAVID RILEY

By their attorney,

A handwritten signature in blue ink, appearing to read "Patrick C. Lynch", written over a horizontal line.

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