

Ryan M. Murphy  
617-342-6884  
rmmurphy@eckertseamans.com

June 25, 2021

**VIA ELECTRONIC MAIL**

Luly E. Massaro, Commission Clerk  
Rhode Island Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, RI 02888  
*[luly.massaro@puc.ri.gov](mailto:luly.massaro@puc.ri.gov)*

**Re: Docket D-21-09 - Petition to Transfer Ownership and Related Approvals**

Dear Ms. Massaro,

Please find the following document enclosed herewith for filing and docketing in the above-entitled petition:

1. Motion to Intervene of Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Reliant Energy Northeast, LLC and XOOM Energy Rhode Island LLC (collectively, "the NRG Retail Companies or "NRG").

Thank you for your attention to this filing.<sup>1</sup> If you have any questions, please do not hesitate to contact me at 617-342-6884.

Very Truly Yours,

*/s/ Ryan M. Murphy*

Ryan M. Murphy

Enclosure

cc: Docket D-21-09 Service List

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<sup>1</sup> NRG will also provide the Commission Clerk with original and four (4) hard copies of the enclosure via First Class Mail.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below on June 25, 2021.

*/s/ Ryan M. Murphy*

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Ryan M. Murphy, Esq.

**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**

<b>Name/Address</b>	<b>E-mail</b>	<b>Phone</b>
Adam M. Ramos, Esq. Gerald J. Petros, Esq. Hinckley, Allen & Snyder LLP 100 Westminster St., Suite 1500 Providence, RI 02903-2319	<a href="mailto:gpetros@hinckleyallen.com">gpetros@hinckleyallen.com</a> ;	401-274-2000
	<a href="mailto:aramos@hinckleyallen.com">aramos@hinckleyallen.com</a> ;	
	<a href="mailto:amillinger@hinckleyallen.com">amillinger@hinckleyallen.com</a> ;	
	<a href="mailto:cwhaley@hinckleyallen.com">cwhaley@hinckleyallen.com</a> ;	
	<a href="mailto:rjreybitz@pplweb.com">rjreybitz@pplweb.com</a> ;	
	<a href="mailto:KKlock@pplweb.com">KKlock@pplweb.com</a> ;	
	<a href="mailto:MJShafer@pplweb.com">MJShafer@pplweb.com</a> ;	
	<a href="mailto:MLBartolomei@pplweb.com">MLBartolomei@pplweb.com</a> ;	
	<a href="mailto:cdieter@hinckleyallen.com">cdieter@hinckleyallen.com</a> ;	
<a href="mailto:rnerney@hinckleyallen.com">rnerney@hinckleyallen.com</a> ;		
Cheryl M. Kimball, Esq. Robert J. Humm, Esq. Keegan Werlin LLC 99 High St., Suite 2900 Boston, MA 02110	<a href="mailto:ckimball@keeganwerlin.com">ckimball@keeganwerlin.com</a> ;	617-951-1400
	<a href="mailto:rhumh@keeganwerlin.com">rhumh@keeganwerlin.com</a> ;	
Jennifer Books Hutchinson, Esq. National Grid 280 Melrose St. Providence, RI 02907	<a href="mailto:jennifer.hutchinson@nationalgrid.com">jennifer.hutchinson@nationalgrid.com</a> ;	401-784-7288
	<a href="mailto:Frances.Matte@nationalgrid.com">Frances.Matte@nationalgrid.com</a> ;	
	<a href="mailto:Kathleen.Hitt@nationalgrid.com">Kathleen.Hitt@nationalgrid.com</a> ;	
Albert Vitali, Esq. Office of Energy Resources	<a href="mailto:Albert.Vitali@doa.ri.gov">Albert.Vitali@doa.ri.gov</a> ;	
	<a href="mailto:nancy.russolino@doa.ri.gov">nancy.russolino@doa.ri.gov</a> ;	
	<a href="mailto:Nicholas.Ucci@energy.ri.gov">Nicholas.Ucci@energy.ri.gov</a> ;	
	<a href="mailto:Carrie.Gill@energy.ri.gov">Carrie.Gill@energy.ri.gov</a> ;	
<a href="mailto:Becca.Trietch@energy.ri.gov">Becca.Trietch@energy.ri.gov</a> ;		
Tiffany Parenteau, Esq. Dept. of Attorney General	<a href="mailto:TParenteau@riag.ri.gov">TParenteau@riag.ri.gov</a> ;	
	<a href="mailto:NVaz@riag.ri.gov">NVaz@riag.ri.gov</a> ;	
	<a href="mailto:eullucci@riag.ri.gov">eullucci@riag.ri.gov</a> ;	

Christy Hetherington, Esq. Leo Wold, Esq. Division of Public Utilities & Carriers Advocacy Section	<a href="mailto:Christy.hetherington@dpuc.ri.gov">Christy.hetherington@dpuc.ri.gov</a> ;	401-780-2140
	<a href="mailto:Leo.wold@dpuc.ri.gov">Leo.wold@dpuc.ri.gov</a> ;	
	<a href="mailto:John.bell@dpuc.ri.gov">John.bell@dpuc.ri.gov</a> ;	
	<a href="mailto:Al.mancini@dpuc.ri.gov">Al.mancini@dpuc.ri.gov</a> ;	
	<a href="mailto:Joel.munoz@dpuc.ri.gov">Joel.munoz@dpuc.ri.gov</a> ;	

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

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

**MOTION TO INTERVENE OF DIRECT ENERGY BUSINESS, LLC, DIRECT ENERGY BUSINESS MARKETING, LLC, DIRECT ENERGY SERVICES, LLC, RELIANT ENERGY NORTHEAST, LLC AND XOOM ENERGY RHODE ISLAND LLC**

Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Reliant Energy Northeast, LLC and XOOM Energy Rhode Island LLC, (collectively, “the NRG Retail Companies or “NRG”) hereby respectfully requests that the State of Rhode Island Division of Public Utilities and Carriers (“Division”) grant NRG’s intervention in the above referenced docket pursuant to 815-RICR-00-00-1.17 (“Rule 17”). The reasons for intervention are set forth in this Motion to Intervene (“Motion”).

**INTRODUCTION**

1. 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 (collectively, “Petitioners”) filed a Joint Petition with the Division seeking approval for the transfer of ownership of Narragansett to PPL Rhode Island pursuant to Rhode Island General Laws §§ 39-3-24 and 39-3-25. Under the proposal, PPL Rhode Island would assume management and control of all gas and electric distribution service in Rhode Island that is

currently owned and operated by Narragansett Electric Company d/b/a National Grid (“Narragansett”).

2. In accordance with R.I. Gen. Laws § 39-3-25, the Division may approve such transactions between utilities if the Division is satisfied that the prayer of the petition should be granted; that the facilities for furnishing service to the public will not thereby be diminished; and that the purchase, sale, or lease and the terms thereof are consistent with the public interest.

3. Direct Energy Business, LLC (“Direct Energy Business”), Direct Energy Services, LLC (“Direct Energy Services”), Reliant Energy Northeast, LLC (“Reliant Energy”) and XOOM Energy Rhode Island, LLC (“XOOM”) operate as nonregulated power producers (“NPPs”) in Rhode Island, and specifically in the service areas of electric distribution utilities owned by Narragansett. As NPPs, Direct Energy Business, Direct Energy Services, Reliant Energy and XOOM sell electricity to residential and non-residential customers in the competitive retail market.

4. Further, Direct Energy Services, LLC, Direct Energy Business Marketing, LLC, and Direct Energy Business, LLC (collectively, “Direct Energy”) are registered natural gas marketers (“natural gas suppliers”) in Rhode Island, and specifically in the service areas of natural gas distribution utilities owned by Narragansett. As natural gas suppliers, Direct Energy sells natural gas to non-residential customers in the competitive market.

5. On June 11, 2021, the Division issued a Notice of Filing and Deadline to Intervene (“Notice”) in the above-captioned proceeding, establishing a filing deadline of Friday, June 25, 2021 for all motions to intervene and providing notice that the Division will conduct a motion hearing to hear all intervention-related issues and arguments at 10:00 AM on Thursday, July 15, 2021.

6. NRG seeks to intervene in this proceeding pursuant to the Division's Notice and Rule 17.

#### LEGAL STANDARD

7. Intervention in Division proceedings is governed by Rule 17, which 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." 815-RICR-00-00-1.17.

8. It is appropriate for the Division to grant a motion to intervene when: (1) the right of intervention is conferred by statute; (2) a movant may be bound and its interests may be directly affected by the proceedings, and those interests are not adequately represented by existing parties; or (3) the movement holds an interest of such nature that the movant's participation may be in the public interest. 815-RICR-00-00-1.17(1)(a)-(c).

#### ARGUMENT

9. NRG meets the standards for intervention set forth in Rule 17. Operating as electric NPPs and/or natural gas suppliers in Rhode Island and in Narragansett's service territories, the NRG Retail Companies satisfy the standard for intervention because NRG possesses an interest which may be directly affected and which is not adequately represented by existing participants, and as to which NRG may be bound by the action of the Division in the proceeding." 815-RICR-00-00-1.17(1)(b).

10. NRG has an interest in facilitating the development of Rhode Island's competitive electric and natural gas retail markets. NRG is well positioned to participate in this proceeding to evaluate the proposed transaction and analyze whether it could result in preventing retail electric and natural gas customers from obtaining the benefits of properly functioning and effectively competitive retail markets. Based on the experiences of the NRG Retail Companies,

NRG has a substantial and direct interest in ensuring that this transaction does not negatively affect the operations of the NRG Retail Companies and their ability to compete for and service customers in the Narragansett service territories and in Rhode Island. NRG also has the experience and ability to assess how any changes to the rates and related tariffs as well as the operation or structure of any Narragansett programs, could impact the level of retail competition in the Company's service territories and directly impact the ability of the NRG Retail Companies to continue to operate as suppliers in those territories.

11. It is important that certain operational processes and procedures of Narragansett be maintained or enhanced as a result of the proposed change in ownership in order for the competitive markets to remain balanced and operate in an efficient manner, and to maintain open communication channels between electric and natural gas suppliers' and Narragansett's operational personnel. As such, NRG has an interest in participating in this proceeding to assess the impact that the proposed transaction may have on Narragansett's operational processes. As a result of this acquisition, Narragansett's operations and policies will be modified to conform to the systems procedures and policies of its new parent – PPL.

12. It is important that this incorporation into the PPL system does not result in any degradation of competitive suppliers' ability to function in the Narragansett service territory, or of the competitive market generally. Any degradation or failure to continue to improve these systems, procedures or policies due to the need to conform to new operational requirements, or shifting priorities and/or policies as a result of the acquisition could negatively impact the ability of the NRG Retail Companies to offer supplier services. This reduction in competition or competitive opportunities will, in turn, negatively affect electric and natural gas supply

customers in Narragansett's service territory and render the proposed acquisition to be contrary to the public interest.

13. Further, as the Division considers whether the proposed transfer of ownership is in the public interest, it should examine whether operational or policy improvements could be implemented as part of the approved transaction to further advance the goal of enabling retail electric and natural gas customers to obtain the benefits of properly functioning and effectively competitive retail markets. To the extent the proposed transaction reduces or fails to enhance the competitive market and the ability of customers to obtain the benefits of competitive supply alternatives, then serious consideration must be given as to whether the Division should approve the proposed transaction.

14. In addition to ensuring that the proposed transaction will enable retail electric and natural gas customers to obtain the benefits of properly functioning and effectively competitive retail markets, NRG has an interest in ensuring that the proposals of other parties advanced through testimony, legal arguments, or settlement discussions do not adversely impact the ability of the NRG Retail Companies to effectively operate as suppliers in Rhode Island and in the Narragansett service territories. The transactions and proposals in this proceeding may also materially impact NRG's business and customer interests in Rhode Island, as well as its ability to advance new retail market enhancements.

15. NRG's interests in this proceeding are unique from and not adequately represented by other parties that have or may seek to intervene, including other individual NPPs or suppliers, or other organizations interested in natural gas and/or electric competition in Rhode Island in general and in Narragansett's service territories in particular. The NRG Retail Companies have unique business models and their interests and perspectives are unique. As



such, NRG's interests in this proceeding cannot be adequately represented by other suppliers with different business models and different customer target markets.

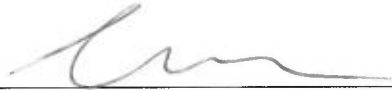
16. As suppliers in the Narragansett service territories, the NRG Retail Companies will be bound by the action of the Division in this proceeding and any determination that may impact the competitive markets. Thus, the Division's actions regarding the Petitioners' proposals may have a substantial impact on NRG's future involvement in the electric and natural gas retail markets.

17. NRG's intervention is also in the public interest. 815-RICR-00-00-1.17(1)(c). NRG has the experience and resources to aid the Division in evaluating the potential impact of the transaction on the retail competitive electric and natural gas markets and, to the extent necessary, crafting reasonable modifications to the Petitioner's proposals. Accordingly, NRG's participation in this proceeding is clearly in the public interest.

#### CONCLUSION

For all of the foregoing reasons, Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Reliant Energy Northeast, LLC and XOOM Energy Rhode Island LLC, hereby respectfully request that the Division grant this Motion to Intervene in this proceeding as a full party.

Respectfully submitted,



Daniel Clearfield, Esquire  
PA Bar No. 26183  
Kristine E. Marsilio, Esquire  
PA Bar No. 316479  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th Fl.  
Harrisburg, PA 17101  
T: 717.237.6036  
[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)  
[kmarsilio@eckertseamans.com](mailto:kmarsilio@eckertseamans.com)

Craig Waksler, Esquire  
RI Bar No. 4945  
Eckert Seamans Cherin & Mellott, LLC  
2 International Place, Suite 1600  
Boston, MA 92119  
T: 617.342.6890  
[cwaksler@eckertseamans.com](mailto:cwaksler@eckertseamans.com)

Date: June 25, 2021

Attorneys for Direct Energy Business, LLC,  
Direct Energy Business Marketing, LLC, Direct  
Energy Services, LLC, Reliant Energy Northeast,  
LLC and XOOM Energy Rhode Island LLC,