



outcomes they have not been able to obtain before the Rhode Island Public Utilities Commission (“Commission”) or through the legislative process. Others seek to relitigate past grievances against Narragansett they have previously lost before the Commission and in some instances before the Rhode Island Supreme Court. Still others seek to propose new energy-related policies or amend existing policies to advance a particular interest preferred by that organization. The Division should reject these interventions because they seek relief that (1) concerns matters outside the scope of the Section 39-3-25 criteria that control this proceeding; (2) exceeds the Division’s jurisdiction in this proceeding; (3) is jurisdictional to the Commission; or (4) seeks to relitigate matters lost before the Commission or the Supreme Court.

PPL submits this omnibus response to address each of the nine motions to intervene filed in the above docket. PPL does not object to the interventions of: (1) Rhode Island Office of Energy Resources (“OER”) or (2) the Attorney General of the State of Rhode Island (“Attorney General”). These State agencies represent the public and are proper participants in this proceeding. PPL supports these interventions.

PPL does not oppose to the intervention of the Acadia Center, Conservation Law Foundation (“CLF”) and Green Energy Consumers Alliance, Inc. (“GECA”), provided that their intervention is limited to matters within the proper scope of this proceeding. That scope does not include attempting to reshape the State’s renewable energy policies or seeking commitments to advocate for changes or new policies – matters that lie within the Commission’s jurisdiction or are addressed through the legislative process. PPL does object to the motions to intervene of: (1) Energy Development Partners, LLC (“EDP”); (2) Friends of India Point Park, Fox Point Neighborhood Association, Jewelry District Association,

Residential Properties, Narragansett Brewing Company, Grand Festivals, and David Riley (the “Providence Intervenors”); (3) Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Services, LLC, Reliant Energy Northeast, LLC, and XOOM Energy Rhode Island LLC (the “NRG Retail Companies”); and (4) New Energy Rhode Island, Circular Fuels, LLC, RER Energy Group, LLC, Clean Economy Development, LLC, Heartwood Group, Inc., and Green Development, LLC (“NERI”).

For the following reasons, the Hearing Officer should deny those motions and ensure that this proceeding remains properly focused on the statutory criteria, and not on the goals, objectives or financial interests of developers, corporate interests, or single purpose special interest groups.

## **I. BACKGROUND**

The joint petition seeks Division approval for PPL RI’s purchase of all shares of common stock of Narragansett pursuant to R.I. Gen. Laws §§ 39-3-24 and 39-3-25. Those statutes and previous decisions by the Division establish the standard of review applicable to this proceeding. Section 39-3-24(3) requires the “consent and approval” of the Division before “[a]ny public utility may merge with any other public utility or sell or lease all or any part of its property, assets, plant, and business to any other public utility.” R.I. Gen. Laws § 39-3-24(3). Section 39-3-25 establishes the standard by which the Division must evaluate the proposed transaction before giving its consent and approval. Specifically, § 39-3-25 establishes the following two criteria for the Division’s evaluation:

- (1) That the facilities for furnishing service to the public will not thereby be diminished; and

- (2) That the purchase, sale, or lease and the terms thereof are consistent with the public interest.

§ 39-3-25.

Both courts and the Division have applied those criteria. In *City of E. Providence v. Narragansett Elec. Co.*, Judge Silverstein observed, “This Court believes that an expansive reading of § 39-3-25 is not consistent with the legislative scheme contemplated by the chapters of our General Laws which deal with the Duties of Utilities and Carriers (§ 39-2-1 *et seq.*) and with the Regulatory Powers of Administration (§ 39-3-1 *et seq.*) . . . .” No. C.A. 06-2888, 2006 WL 1660761 (Super. Ct. June 15, 2006). With respect to the first criterion, the Division must find “that there will be no degradation of utility services after the transaction is consummated.” Order No. 18676, Dkt. No. D-06-13, *In re Joint Pet. For Purchase & Sale of Assets by The Narragansett Elec. Co. & So Union Co.*, 52 (R.I.D.P.U.C. July 25, 2006) [hereinafter “*Southern Union Approval*”]. The Division has evaluated whether “Rhode Island consumers would be harmed” by the transaction or whether service quality would suffer, considering factors such as the buyer’s operational experience, overall size, and financial strength. *Id.* at 51 (describing Advocacy Section’s analysis).

With respect to the second criterion, the Division has specifically rejected arguments that this prong required the proposed transaction to “result in a ‘net benefit’ to ratepayers and/or members of the general public in order to be properly approved by the Division,” finding that the plain meaning of “consistent” foreclosed such an interpretation. *Id.* at 51-52. Instead, the Division concluded that the public interest prong “requires a finding that the proposed transaction will not unfavorably impact the general public (including ratepayers).” *Id.* at 52.

Since the decision in the *Southern Union* Approval in 2006, the General Assembly has deemed it unnecessary to change or alter the statutory criteria, which remain exactly the same today.

The Division's interpretations of the statutory criteria make sense in light of the statutory division of labor between the Commission and the Division. The Commission has, among other powers, the authority "to hold investigations and hearings involving the rates, tariffs, tolls, and charges, and the sufficiency and reasonableness of facilities and accommodations of railroad, gas, electric distribution . . . public utilities." R.I. Gen. Laws § 39-1-3(a). The Division, by contrast, is charged with "the execution of all laws relating to public utilities and carriers and all regulations and orders of the commission governing the conduct and charges of public utilities." R.I. Gen. Laws § 39-1-3(b). Policy decisions regarding the appropriate direction for modernization of the Rhode Island electric grid, or the appropriate balance between various stakeholder interests, fall squarely within the Commission's jurisdiction. As the Division properly noted in the *Southern Union* Approval, "it is not in the public interest to deny or impede the State's proper ratemaking authority, the Public Utilities Commission, from exercising its statutory duty to supervise and regulate gas and electric rates." *Southern Union* Approval 58.

Viewed in this light, the interests asserted by certain proposed intervenors clearly fall well beyond the proper scope of this proceeding and the "no harm" standard for evaluating the proposed transaction. For example, the NRG Retail Companies claim an interest "in facilitating the development of Rhode Island's competitive electric and natural gas retail markets." Mot. Intervene 3. But this asserted interest does not speak to whether "the facilities for furnishing service to the public" will be diminished by the proposed transaction or whether "the purchase, sale, or lease and the terms thereof are consistent with the public interest." § 39-3-25. Rather, the NRG Retail Companies seek to advance their personal financial interest by establishment of

greater competition in Rhode Island utility markets. *See* Mot. Intervene 3 (alleging “an interest which may be directly affected” by the transaction).

To the extent there is a public interest in competition for electric supply or gas supply, that interest is served by the statutes establishing the competitive market and the rules and tariffs promulgated governing the programs through which competitive suppliers participate. If the Transaction is approved, PPL RI will own and operate Narragansett and continue to be subject to the laws and regulations governing competitive markets. The Transaction will not alter the current state of the competitive markets, and this proceeding is not the appropriate forum to advocate for changes to Rhode Island competitive supply markets. Changes to such statutes and procedures must occur through the existing legislative and regulatory processes. No matter whether this objective is worthy, the Division’s jurisdiction in this proceeding does not extend to changing policy to establish greater competition in this space.

Similarly, NERI and EDP want all customers, rather than renewable energy developers, to pay for the costs of interconnection of renewable generation. Again, putting aside the merits of the current cost allocation, that forward-looking issue is beyond the scope of this proceeding and falls directly within the Commission’s jurisdiction; it has no place here. Perhaps unhappy with past Commission rulings, NERI and EDP seek to perform an end around the Commission. Even more, one NERI member has previously litigated and lost a similar challenge before the Rhode Island Supreme Court. *ACP Land, LLC v. Rhode Island Public Utilities Commission*, 228 A.3d 328 (R.I. 2020). They are not entitled to lodge a second appeal here.

Moreover, NERI members and EDP currently have numerous proceedings pending before the Rhode Island Supreme Court, the Commission and the Federal Energy Regulatory Commission (“FERC”) on precisely the issues they seek to improperly introduce into this

proceeding. *See, e.g.*, Docket No. 5149 – Energy Development Partners (EDP) – Petition for Declaratory Judgment (filed April 23, 2021); Docket No. 4981 – Episcopal Diocese of Rhode Island (EDRI) – Petition for Declaratory Judgment on Transmission System Costs and Related “Affected System Operator” Studies (filed 10/11/19) (currently on appeal to the Rhode Island Supreme Court); FERC Docket EL21-47-000 – Green Development, LLC v. New England Power Company and The Narragansett Electric Company.

The Commission, not the Division, will consider and determine the proper parameters for competitive utility markets and procedures for interconnection of distributed generation in proceedings that evaluate a broad range of public interests. And if it is able to acquire Narragansett, PPL welcomes that discussion at the appropriate time with the Commission, the Division Advocacy Section, and all the interested and affected parties.

Likewise, NERI asserts interests that the Division lacks authority to address in this proceeding. NERI states that it “will seek PPL’s commitment to a proactive plan for rate reduction through implementation of local, distributed-energy solutions and for managing the electric system to achieve the state’s goals of reaching 100% renewable energy by 2030 and net zero emissions by 2050.” Mot. Intervene 5. This, however, falls outside the purview of this proceeding before the Division. The Commission’s jurisdiction includes review of any “proactive plan for rate reduction through implementation of local, distributed-energy solutions.” *See* R.I. Gen. Laws § 39-1-3(a) (establishing the Commission “to hold investigations and hearings involving the rates, tariffs, tolls, and charges”). Neither PPL nor the Division can determine the proper confines of any such plan in this proceeding. Further, any rate impacts will be determined in future proceedings before the Commission. In the *Southern Union* Approval, the Division made clear that “to attach rate-related . . . conditions to an approval of the proposed

transaction would not only be contrary to the Division's jurisdiction powers under R.I.G.L. § 39-3-25, but also tantamount to an attempted usurpation of a long-established Commission ratemaking function." *Southern Union Approval 57*. NERI's stated concerns can and will be properly addressed in other fora.

Similarly, the Providence Intervenors seek a commitment to bury overhead transmission lines. But that request again is jurisdictional to the Commission and the subject of longstanding negotiation and regulatory proceedings; it is not an appropriate subject to litigate here.

Finally, while the Acadia Center, CLF, and GECA are NGOs with a history of advocacy on energy policies, including the advancement of renewable energy goals, those policies are not under examination in this proceeding. Therefore, the Hearing Officer should limit their intervention to whether PPL can capably implement the State's existing policies, and not whether new or modified policies favored by these three organizations should be adopted.

The Division's task in this proceeding is not to decide (1) whether developers or ratepayers should bear the cost of interconnection; (2) the elements of a plan to achieve zero carbon emissions; (3) whether the ratepayers should incur the costs of burying transmission lines; or (4) whether to change or redirect Rhode Island energy policy. The Division's mandate is defined by the statute as applied by the Division and by the courts. The Division should deny proposed interventions that seek to advance private interests or raise public issues that fall outside of that mandate and are not jurisdictional to this proceeding. The Division lacks authority to expand its jurisdiction, no matter how appealing or significant the cause. *See* R.I. Gen. Laws § 39-1-3.

## II. LEGAL STANDARD

Division Rule 1.17(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.” 815-RICR-00-00-1.17(B). The Rule defines such an interest as:

- (a) A right conferred by statute;
- (b) An 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; or
- (c) Any other interest of such a nature that movant’s participation may be in the public interest.

815-RICR-00-00-1.17(B)(1)(a)-(c).

The Division has previously expounded on the subsection (c) public interest benchmark:

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 issue, the Division must also balance several related 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.

*City of E. Providence*, 2006 WL 1660761 (quoting Order, *In re Joint Pet. for Purchase & Sale of Assets by the Narragansett Elec. Co. & So. Union Co.*, Dkt. No. D-06-13 (R.I.D.P.U.C. May 4, 2006)) (affirming denial of motion to intervene by City of East Providence). In the *Southern Union Approval*, the Division denied motions to intervene that were “unreasonably vague and/or beyond the scope of this proceeding,” *i.e.*, “not directly related to the instant proceeding.” *Id.*

The Division concluded, and the Superior Court affirmed, that motions for intervention that would “unreasonably broaden the issues in this case” would “unduly delay and prejudice the adjudication of the rights of the Petitioners.” *Id.*

In addition to meeting the requirements of Division Rule 1.17(B), the proposed intervenors also must satisfy the basic standing requirements. To have standing, movants must have suffered an “injury-in-fact,” which requires a “legally cognizable and protected interest that is concrete and particularized . . . and . . . actual or imminent, not conjectural or hypothetical.” *Watson v. Fox*, 44 A.3d 130, 135-36 (R.I. 2012); *see also Epic Enters. LLC v. 10 Brown & Howard Wharf Condo. Ass’n*, No. 2020-194-Appeal, 2021 R.I. LEXIS 71, at \*9 (June 25, 2021) (“[The] ‘injury in fact’ requirement has been described as ‘an invasion of a legally protected interest which is . . . concrete and particularized[.]’” (citing *Ahlburn v. Clark*, 728 A.2d 449, 451 (R.I. 1999))). They must demonstrate a “particularized” injury establishing “a stake in the outcome that distinguishes [their] claims from the claims of the general public.” *See Watson*, 44 A.3d at 136; *In re 38 Studios Grand Jury*, 225 A.3d 224, 232-33 (R.I. 2020).

### III. ANALYSIS

PPL does not object to the motions to intervene of OER or the Attorney General. PPL objects to the motions to intervene of NERI, the NRG Retail Companies, EDP, and the Providence Intervenors. The Division should deny these interventions because (1) they seek to advance individual or financial interests instead of the public interest; (2) they seek to raise issues that fall outside the scope of review and are not jurisdictional; and/or (3) they lack standing and a direct interest in this proceeding. Additionally, PPL requests that the Hearing Officer appropriately circumscribe the participation of the Acadia Center, CLF, and GECA as

intervenors to ensure that this proceeding remains focused on the statutory criteria and does not improperly expand into matters that fall within the purview of the Commission.

A. The Division should deny NERI's Motion to Intervene.

NERI's asserted interests fall well outside the scope of this proceeding, and NERI may properly pursue its interests in other fora. In fact, the NERI members identified in the motion are actively pursuing their interests in other proceedings. NERI asserts that Narragansett has focused too heavily on infrastructure to the detriment of achieving low rates for customers. Mot. Intervene 4. It further claims that it "will seek PPL's commitment to a proactive plan for rate reduction through implementation of local, distributed-energy solutions and for managing the electric system to achieve the state's goals of reaching 100% renewable energy by 2030 and net zero emissions by 2050." *Id.*

NERI member Green Development has engaged in numerous proceedings before the Commission directly related to the question of which parties should be responsible for the costs of interconnection, arguing that it should be all customers, not the interconnecting developers, who should bear such costs. And, Green Development has asserted the same refrain as set forth here: that such a shift in policy is necessary to facilitate the conversion to 100% renewable energy generation in Rhode Island and net zero emissions. The Commission repeatedly has rejected Green Development's arguments, and the Supreme Court also has rejected at least one such argument (and is currently considering another argument).<sup>2</sup> *See ACP Land, LLC v. Rhode*

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<sup>2</sup> The issue of who should bear the costs of interconnection also has received legislative attention. Just this term, Green Development pushed a bill that would shift some interconnection costs to ratepayers. While the General Assembly passed the bill, Governor McKee vetoed it, expressing concerns – echoed by Commission Chair Gerwatowski – that the bill would place undue burdens on residential and low-income customers. *See Katherine Gregg & Alex Kuffner, "Governor vetoes bill that could have shifted costs of renewable energy development to ratepayers," Providence Journal (July 6, 2021).* This recent legislative development confirms the

*Island Public Utilities Commission*, 228 A.3d 328 (R.I. 2020). The policy decision regarding responsibility for these costs falls squarely within the Commission’s regulatory authority, and the Commission has already decided on multiple occasions that Green Development’s (and other renewable developers) personal financial interests in avoiding interconnection costs do not outweigh the interest in protecting customers as a whole from higher rates to facilitate the interconnection of these projects. NERI’s intervention motion, therefore, is a transparent attempt to relitigate these issues and collaterally attack the Commission’s decisions through this proceeding.

The Division lacks jurisdiction to decide rates – whether directly or indirectly – in this or any other proceeding. It similarly lacks jurisdiction to approve proactive plans for the implementation of distributed-energy solutions. NERI’s “objectives” thus fall well outside the scope of review in this proceeding. The Division has acknowledged that it cannot use this type of proceeding to extract concessions from the proposed purchaser. In the *Southern Union* Approval, for example, the Division endorsed the concerns expressed on behalf of low-income customers but nevertheless recognized that it lacked jurisdiction to address them: “the Division’s jurisdictional authority is limited and its legal ability to influence rates and shutoff (service termination) policies is subordinate to the jurisdictional authority of the Commission.” *Southern Union* Approval 56. Further, the Commission, not the Division, has sole jurisdiction to consider any future rate plan filing. *See Southern Union* Approval 57.

NERI’s participation in this docket would not further the public interest. Instead, it would raise issues beyond the scope of the proceeding and beyond the Division’s jurisdiction to address. The Division should deny NERI’s motion.

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inappropriateness of litigating this and similar issues in this proceeding.

B. The Division should deny EDP's Motion to Intervene.

EDP seeks to advance its own self-interest by securing concessions from the petitioners in exchange for approval of the proposed transaction. EDP claims that it “will seek PPL’s commitment to increased transparency with interconnection customers like EDP.” Mot. Intervene 4. EDP also states that it will “seek assurance from PPL that EDP’s funds, being held by [Narragansett], will be protected and that procedures for reimbursement are not just maintained, but rather, improved from to [sic] ensure fairness and promote investment in Rhode Island renewable energy projects.” *Id.* at 5. This is an admission that EDP seeks to advance its own private financial interests, not the public interest.

Further, EDP seeks to interject issues that fall outside the Division’s jurisdiction in this proceeding. As explained above, the Division previously has made clear that it lacks jurisdiction “to attach rate-related . . . conditions to an approval of the proposed transaction.” *Southern Union Approval 57*. EDP’s unhappiness with previous Commission rulings does not give EDP the right to circumvent statutory and jurisdictional boundaries. EDP’s request is wholly improper, and its asserted interest falls outside the scope of this proceeding.

EDP currently is also pursuing its interests before the Commission through a petition for declaratory judgment. *See Energy Dev. Partners, LLC Pet. Declaratory J.*, Dkt. No. 5149 (R.I.P.U.C. Apr. 21, 2021). In that petition, EDP challenges Narragansett’s assessment of certain interconnection charges for EDP’s projects. *See Pet.* 1-2. EDP should not be permitted to collaterally pursue its claims by expanding the scope of this proceeding to extract concessions that exceed the authority of the Division and undermine the legislatively crafted distribution of regulatory authority.

C. The Division should deny the NRG Retail Companies' Motion to Intervene.

The NRG Retail Companies improperly seek to use this proceeding to advance their own profit-motivated interests and not the public interest. The NRG Retail Companies operate as nonregulated power producers and registered natural gas marketers in Rhode Island. The NRG Retail Companies claim “an interest in facilitating the development of Rhode Island’s competitive electric and natural gas retail markets.” Mot. Intervene 3. They seek to weigh in on whether the transaction “could result in preventing retail electric and natural gas customers from obtaining the benefits of properly functioning and effectively competitive retail markets” and to ensure that the 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.” *Id.* at 3-4.

These arguments reveal that the NRG Retail Companies seek to advance their corporate financial interests with respect to matters outside this proceeding and better addressed in other fora. For example, the NRG Retail Companies participated in the most recent Commission dockets regarding the gas customer choice program governing the relationship between Narragansett and third-party suppliers like the NRG Retail Companies. *See* Docket No. 5067 – The Narragansett Electric Company d/b/a National Grid – Gas Customer Choice Program (filed Sep. 1, 2020). The NRG Retail Companies thus seek to advance objectives and policy interests outside the scope of the proceeding and more properly placed before the Commission or in a rulemaking proceeding.

The NRG Retail Companies also ask the Division to “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.” *Id.* at 5. But the Commission, not the Division, has jurisdiction over matters affecting customer choice and competitive retail markets. By pushing these matters outside the specific Commission proceedings designed to address them – where all interested and relevant stakeholders can participate – the NRG Retail Companies seek to exert disproportionate influence to advance their agenda and undermine the Commission proceedings. Therefore, the NRG Retail Companies are not seeking to advance the public interest, but, in fact, seeking to impair the careful balance struck by the Commission and existing, properly promulgated rules to further the public interest. This type of self-serving inquiry is outside the scope of this proceeding and would usurp the Commission’s authority.

The Division should deny the NRG Retail Companies’ motion.

D. The Division should deny the Providence Intervenor’s Motion to Intervene.

Finally, the Providence Intervenor seeks to re-air and relitigate a long-standing grievance with Narragansett. They claim that approval of the transaction should be “conditioned on requirements that this transaction does not further undermine citizen rights, cause greater economic damage, 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.” Mot. Intervene 1. This dispute concerning this overhead transmission line dates back to 2003. *See, e.g.,* Dkt. No. SB 2003-01, *E-183 Transmission Line Relocation Project-A/C i-195 Relocation* (E.F.S.B. 2003). The Commission has the jurisdiction to determine when the ratepayers should incur the additional, and sometimes extraordinary, costs of burying overhead transmission lines or distribution lines. Whatever the merits of the Providence Intervenor’s claims, they cannot litigate

them in this proceeding. They have no standing, and they do not represent the broader public that would bear the costs they seek to impose.

For all the reasons previously described, the Division should deny the Providence Intervenor's motion because they lack a concrete and particularized injury; their concerns have no bearing on the issues properly before the Division in this proceeding; and they improperly ask the Division to condition Transaction approval on redress of their individual grievances.

E. The Division should limit any interventions of the Acadia Center, CLF and GECA.

These three entities advocate for specific policies for their members. Those policies are not, however, under examination in this proceeding, and are not jurisdictional here. Those policies, including renewable energy goals and the reduction of GHG emissions, are the subject of repeated vetting in Commission dockets, and these three NGOs often participate in those dockets. For example,

- GECA acknowledges in its moving papers that it seeks to advocate on behalf of its members to reduce GHG emissions, mitigate Climate Change, and promote renewable energy procurement. Those laudable goals all fall outside of the scope of this proceeding, and outside the jurisdiction of the Division. Those goals and interests belong before the Commission and the General Assembly.
- Similarly, "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." That advocacy is appropriate in Commission dockets, and indeed CLF frequently participates and advocates in those Commission dockets, but that advocacy is misplaced here.
- Finally, the Acadia Center seeks to intervene because it "has a substantial interest in advancing policies that achieve the state's greenhouse gas emissions reduction targets required by the 2021 Act on Climate law." Again, those policies are not at issue in this proceeding; the Division can not amend, withdraw or replace those policies here.

The Division lacks jurisdiction to address the merits of these policy issues in this proceeding; the statutory mandate requires the Division to determine whether the Transaction "will not

unfavorably impact the general public (including ratepayers).” Therefore, if the Division approves these three interventions it should limit their participation to confirming that PPL is capable of continuing to implement the State’s existing renewable energy policies.<sup>3</sup>

#### **IV. CONCLUSION**

For the reasons stated, PPL Corporation and PPL Rhode Island Holdings, LLC respectfully request that the Division: (1) confirm and confine the scope of this proceeding to the statutory mandate, (2) deny the intervention motions from NERI, EDP, the NRG Retail Companies, and the Providence Intervenors, and (3) limit the scope of participation by the Acadia Center, CLF, and GECA to ensure that this proceeding remains focused on the statutory criteria before the Division and does not improperly extend to issues outside the statutory mandate to advance private interests that are jurisdictional to the Commission.

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<sup>3</sup> CLF contends that its participation is necessary to represent adequately the public interest in this proceeding. Nevertheless, consistent with their statutory mandates the Division Advocacy Section, the Attorney General, and OER will represent the public in this proceeding, and they will do it very well. There is no reasonable basis to conclude that any of these three organizations can or should usurp the role of these three public agencies already or soon to be representing the public in this proceeding.

Date: July 9, 2021

Respectfully submitted,

PPL Corporation and PPL Rhode Island  
Holdings, LLC  
By its attorneys,

/s/ Adam M. Ramos

Gerald J. Petros (#2931)  
Adam M. Ramos (#7591)  
Hinckley Allen & Snyder  
100 Westminster Street, Suite 1500  
Providence, RI 02903-2319  
(401) 457-5278  
(401) 277-9600 (fax)  
gpetros@hinckleyallen.com  
aramos@hinckleyallen.com

**CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2021, I sent a copy of the foregoing to the service list by electronic mail.

/s/ Adam M. Ramos