



September 7, 2021

VIA EMAIL AND HAND-DELIVERY

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

RE: Docket D-21-09 Petition of PPL Corporation

Dear Ms. Massaro:

Please find the following document enclosed herewith for filing and docketing in the above-titled Petition:

1. Energy Development Partners, LLC's Limited Motion to Reconsider Order of August 19, 2021.

The original and four copies shall be hand-delivered to your office.

Sincerely,

A handwritten signature in blue ink, appearing to read "John A. Pagliarini, Jr.", with a stylized flourish at the end.

John A. Pagliarini, Jr., Esq.

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

IN RE:

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

DOCKET NO. D-2021-09

**ENERGY DEVELOPMENT PARTNERS, LLC'S
LIMITED MOTION TO RECONSIDER
ORDER OF AUGUST 19, 2021**

Energy Development Partners, LLC (“EDP”), respectfully requests the Division reconsider its Order of August 19, 2021 in the above-captioned proceeding related to the proposed sale of the Narragansett Electric Company (“NEC”) pursuant to Rule 1.29(B)(1) of the Rhode Island Division of Public Utilities and Carriers (DPUC) Rules of Practice and Procedure (“Rules”).

STANDARD OF REVIEW

1. Rule 1.29(B) states “On motion and upon such terms as are just, the Commission may grant relief for the following reasons:”
2. Rule 1.29(B)(1) states “Mistake, inadvertence, surprise or excusable neglect;”

HEARING OFFICER’S INADVERTANCE

3. “Inadvertence” is defined as *a result of inattention*.

4. Energy Development Partners, LLP (“EDP”), as evidenced on *Transcript*, Page 109 Line 20 et seq., asked the Hearing Officer to strike the defamatory and factually inaccurate statements made by PPL’s Legal Counsel about EDP.

5. That PPL’s Legal Counsel made defamatory and factually inaccurate statements about EDP at *Transcript*, Page 89 Line 12 through Page 92 Line 4.

6. EDP’s request for testimony to be stricken was not afforded the same response as was granted to the Providence Intervenor’s similar request at *Transcript*, Page 15 Line 13, which was addressed by the Hearing Officer in the Order at Page 60.

7. The Hearing Officer’s failure to address EDP’s request for stricken language was inadvertence.

8. Failure to strike the defamatory and factually inaccurate statements from the official transcript, leaving false statements as part of an official record, harm EDPs actual and potential contractual, financial and business agreements, both present and future, EDP’s reputation and credibility with the Division and the renewable energy community at large.

9. EDP does not challenge the Order, with the exception of an amendment directing the offending language sections of the Official Transcript be stricken.

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

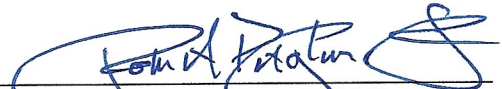
John A. Pagliarini, Jr. (#6237)
Corporate Counsel
Energy Development Partners, LLC
260 West Exchange Street, Suite 102A
Providence, RI 02903
jpag@edp-energy.com

WHEREFORE, EDP asks that the Division grant its Motion to Strike the defamatory and factually inaccurate statements from the official transcript.

Respectfully submitted,

ENERGY DEVELOPMENT PARTNERS,
LLC AND ITS RELATED ENTITIES

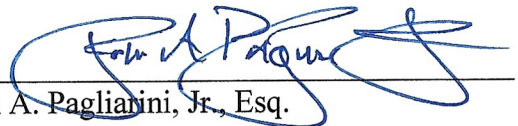
By Their Attorney,



John A. Pagliarini, Jr., Esq. (#6237)
Corporate Counsel
ENERGY DEVELOPMENT PARTNERS,
LLC
260 West Exchange Street, Suite 102A
Providence, RI 02903
(401) 329-1229
jpag@edp-energy.com

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 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.



John A. Pagliarini, Jr., Esq.

Page 89

1 issues, make sure all the resources are
 2 there, make sure that NERI and NRG and EDP
 3 are all heard and anybody else, and then set
 4 the energy policy that makes the most sense
 5 for the State of Rhode Island, for its
 6 businesses and for the ratepayers who pay
 7 for those costs. This, again, is not that
 8 proceeding. The Division lacks jurisdiction
 9 to adopt and approve proactive plans for the
 10 implementation of distributed energy
 11 solutions.
 12 EDP falls very much in the same
 13 bucket. It is clear that EDP over the
 14 years, and I'll defer to my colleagues at
 15 National Grid to address this more
 16 specifically, look it, it's clear that EDP
 17 has disagreed with some of the positions
 18 that not only Narragansett Electric has
 19 taken but that the Commission has taken, and
 20 EDP has taken them up to the Supreme Court.
 21 They've gone to the legislature. The
 22 Governor just vetoed a bill a week or two
 23 ago that I think was supported by some of
 24 NERI's members and perhaps by EDP. And

Page 90

1 there's nothing wrong with that. It's
 2 appropriate for EDP and NERI to seek
 3 legislation that serves their interests.
 4 It's appropriate for the Governor to decide
 5 whether to sign or not. I'm not criticizing
 6 those efforts. It's appropriate for EDP to
 7 challenge decisions that it disagrees with
 8 and take them up on appeal. I do that, too,
 9 for my clients. That's how I make a living.
 10 But it's not appropriate to end run the
 11 Commission or end run the Supreme Court or
 12 end run legislative decisions by coming here
 13 to the Division in this process where the
 14 goals are very important, as the Section
 15 said, but are fairly limited in terms of the
 16 elements of review and try to reverse or get
 17 a better decision here than they got at the
 18 Commission or they got at the General
 19 Assembly or they got at the Supreme Court.
 20 Again, entirely appropriate to pursue those
 21 results in those bodies.
 22 My point only is that that in and
 23 of itself acknowledges that there are other
 24 venues that are appropriate venues to seek,

Page 91

1 for example -- one of the issues that's been
 2 addressed by these parties, should the
 3 ratepayers pay more of the costs for the
 4 equipment necessary for interconnection.
 5 That \$27 million substation that was talked
 6 about. How much of that should be paid by
 7 the ratepayers? You can't decide that in
 8 this proceeding. That's a Commission
 9 question. That's clearly their
 10 jurisdiction.
 11 So, again, while these parties
 12 stepped back a little bit this morning and
 13 said, "No. No. We really don't want to --
 14 we don't want to change policies, we don't
 15 want to impose costs, we don't want to
 16 affect rates." Well, in fact -- although I
 17 think one of the parties today did say they
 18 did want to affect rates, their papers make
 19 it clear what their objectives are, and,
 20 again, I'm not criticizing the objectives.
 21 I'm not saying it's wrong for EDP to
 22 advocate for energy policies that will
 23 benefit EDP or for NERI to do so for
 24 policies that will benefit its particular

Page 92

1 members, all private companies, all seeking
 2 to make a profit. There's nothing wrong
 3 with that. It is inappropriate, however, to
 4 try to do it in this proceeding.
 5 The NRG companies. Again, these
 6 are private companies. They don't represent
 7 the public and I don't think NRG pretends to
 8 represent the public, but, again, they seek
 9 to use this proceeding to advance their own
 10 interests. They talked about competitive
 11 marketplaces and making sure that we take
 12 steps that help shape a more competitive
 13 marketplace because the General Assembly has
 14 identified a competitive marketplace as an
 15 appropriate goal for the citizens of Rhode
 16 Island. Once again, we don't quibble with
 17 that objective. That's what the General
 18 Assembly has said. That's the law and we
 19 should follow the law. But this is not the
 20 proceeding where we can shape the
 21 competitive marketplace for power producers.
 22 And let me even take a step further and step
 23 back.
 24 The policies and procedures and

Page 109

1 presentation, PPL and Narragansett have
2 basically said that nothing is going to
3 change in this transaction and the docket
4 overseeing the transaction to the
5 competitive supply markets, but again, NRG
6 should be allowed to intervene to verify or,
7 if necessary, challenge that representation
8 if, in fact, there will be impacts. Our
9 involvement will be to preserve the status
10 quo which the General Assembly has said is
11 in the public interest. If there's no
12 negative impacts, I suspect we will be a
13 very quiet participant, but if there are
14 impacts to the market, even if they're
15 unintentional, we should have a voice in the
16 proceedings and that's all that we are
17 asking for. Thank you.
18 HEARING OFFICER: Thank you, Mr.
19 Waksler. Mr. Pagliarini?
20 MR. PAGLIARINI: Thank you, Mr.
21 Hearing Officer. I'd like to begin with my
22 brother Mr. Petros and ask that his entire
23 commentary regarding Energy Development
24 Partners be stricken because it was

Page 110

1 factually inaccurate and near defamatory to
2 EDP. EDP is not at the Supreme Court, was
3 not involved in recent legislation vetoed by
4 the Governor, did not advocate for
5 transferring costs in this intervention and
6 is not doing an end run around. And that
7 was the sole references to EDP by PPL. And
8 none of that is factually accurate. It is
9 another developer who is before this hearing
10 today. None of that was EDP.
11 In addition, National Grid read
12 very few excerpts from our formal document,
13 filing. EDP is here because they are the
14 leader in DG right now. We're at the point
15 where we have a dispute that National Grid
16 referenced because National Grid said,
17 "We've never done this before." We have
18 just as much experience in certain aspects
19 of DG than National Grid does here in Rhode
20 Island. We are offering our expertise to
21 the Division such that we don't have any
22 issues with PPL in the future with regards
23 to DG. Specifically, what I'd like to say
24 is that we're customers. We're DG

Page 111

1 customers. We're not ratepayers in the
2 traditional vision of this -- of the
3 Division. But there's nobody at the table
4 who understands the arguments that we've
5 proffered.
6 The Attorney General is extremely
7 well-versed in ratepayer argument as is the
8 Division. They don't know what we know
9 because we're the first to go through it.
10 We want to ensure that PPL does not harm our
11 class and our class should have standing,
12 even if it's limited to DG. We're not
13 looking to hold up or delay or in any way
14 intrude on the sale, but the casualness that
15 both Petitioners are saying and trying to
16 limit the scope that this is just your
17 ordinary \$5 billion conveyance, it's not a
18 rubber stamp. We understand the Division is
19 going to go deep and do a dive, but they're
20 in the shallow end of DG. We've been in the
21 deep end of the pool and we're offering that
22 to the Division, and I do not like that PPL
23 totally confused the fact pattern in an
24 inadvertent attempt that could affect our

Page 112

1 intervention here and would like the record
2 corrected there. Thank you.
3 HEARING OFFICER: Thank you.
4 MR. HANDY: Thank you, Mr. Hearing
5 Officer. I'd like to rebut. I actually
6 wasn't thinking that we would have to rebut.
7 I was thinking and hoping that the
8 Petitioners would accept our seat at the
9 table. I'm quite surprised that they
10 haven't. I think it leads me to a position
11 of agreeing with Mr. Tierney that they're
12 not interested in having voices heard,
13 they're interested in protecting their
14 economic interests and, in doing so, they've
15 misrepresented who NERI is and what we're
16 about.
17 They refer to our capitalists
18 interest. Well, the capitalists interests
19 that are really before you here are the
20 interests of the utilities. They say that
21 we don't represent the public. Well, in
22 fact, they misunderstand who we are. Clean
23 Economy Development represents the City of
24 Central Falls, the City of West Warwick,

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

Service List Updated 8/18/2021

Name/Address	E-mail	Phone
PPL RI Holdings Adam M. Ramos, Esq. Gerald J. Petros, Esq. Hinckley, Allen & Snyder LLP 100 Westminster St., Suite 1500 Providence, RI 02903-2319	gpetros@hinckleyallen.com ; aramos@hinckleyallen.com ; amillinger@hinckleyallen.com ; cwhaley@hinckleyallen.com ; rjreybitz@pplweb.com ; KKlock@pplweb.com ; MJShafer@pplweb.com ; MLBartolomei@pplweb.com ; cdieter@hinckleyallen.com ; rnerney@hinckleyallen.com ;	401-274-2000
Narragansett Electric Co. Cheryl M. Kimball, Esq. Robert J. Humm, Eq. Keegan Werlin LLC 99 High St., Suite 2900 Boston, MA 02110	ckimball@keeganwerlin.com ; rhummm@keeganwerlin.com ; JCalitri@keeganwerlin.com ;	617-951-1400
Jennifer Books Hutchinson, Esq. National Grid 280 Melrose St. Providence, RI 02907	jennifer.hutchinson@nationalgrid.com ; Frances.Matte@nationalgrid.com ; Joanne.Scanlon@nationalgrid.com ; Brooke.Skulley@nationalgrid.com ; Kathleen.Hitt@nationalgrid.com ;	401-784-7288
Office of Energy Resources (OER) Albert Vitali, Esq. Dept. of Administration Dept. of Legal Services One Capitol Hill, 4 th Floor Providence, RI 02908-5890	Albert.Vitali@doa.ri.gov ; nancy.russolino@doa.ri.gov ; Nicholas.Ucci@energy.ri.gov ; Carrie.Gill@energy.ri.gov ; Becca.Trietch@energy.ri.gov ;	401-222-8880
Office of Attorney General (AG) Tiffany Parenteau, Esq. Nicholas Vaz, Esq. Dept. of Attorney General 150 South Main St. Providence, RI 02903	TParenteau@riag.ri.gov ; NVaz@riag.ri.gov ; eullucci@riag.ri.gov ;	401-274-4400
Division Advocacy Section Christy Hetherington, Esq. Leo Wold, Esq.	Christy.hetherington@dpuc.ri.gov ; Leo.wold@dpuc.ri.gov ;	401-780-2140

<p>Division of Public Utilities & Carriers Advocacy Section</p>	<p>John.bell@dpuc.ri.gov;</p> <p>Al.mancini@dpuc.ri.gov;</p> <p>Joel.munoz@dpuc.ri.gov;</p>	
<p><i>Latif Nurani</i> Amber Stone Scott Strauss Anree G. Little David Effron Gregory Booth Linda Kushner Michael Ballaban D. Littell</p> <p>Matthew Kahal Bruce Oliver Tim Oliver</p>	<p>Latif.Nurani@spiegelmc.com;</p> <p>Amber.Martin@spiegelmc.com;</p> <p>scott.strauss@spiegelmc.com;</p> <p>anree.little@spiegelmc.com;</p> <p>Djeffron@aol.com;</p> <p>gboothpe@gmail.com;</p> <p>lkushner33@gmail.com;</p> <p>michael_ballaban@yahoo.com;</p> <p>dlittell@bernsteinshur.com;</p> <p>mkahal@exeterassociates.com;</p> <p>revilohill@verizon.net;</p> <p>Tim.b.oliver@gmail.com;</p>	
<p>Acadia Center Hank Webster, Director, Acadia Center 144 Westminster Street, Suite 203 Providence, RI 02903-2216</p>	<p>hwebster@acadiacenter.org;</p>	<p>401-276-0600 x401</p>
<p><i>Green Energy Consumers Alliance</i> <i>James G. Rhodes Esq.</i> <i>Rhodes Consulting</i> 160 Woonsocket Hill Rd. North Smithfield, RI 02896</p>	<p>james@jrhodeslegal.com;</p>	<p>401-225-3441</p>
<p>New energy Rhode Island (NERI) Seth H. Handy, Esq. Handy Law, LLC 42 Weybosset Street Providence, RI 02903</p>	<p>seth@handylawllc.com;</p> <p>justin@handylawllc.com;</p>	<p>401- 626-4839</p>

NRG Retail Companies (NRG) <i>Craig Waksler, Esq.</i> <i>Daniel Clearfield, Esq.</i> <i>Kristine E. Marsilio, Esq.</i> <i>Ryan M. Murphy, Esq.</i> <i>Eckert Seamans Cherin & Mellott, LLC</i> <i>2 International Place, Suite 1600</i> <i>Boston, MA 92119</i>	cwaksler@eckertseamans.com ;	617-342-6890
	dclearfield@eckertseamans.com ;	
	kmarsilio@eckertseamans.com ;	
	rmmurphy@eckertseamans.com ;	
Conservation Law Foundation (CFL) <i>Margaret Curran, Esq.</i> <i>James Crowley, Esq.</i> <i>Conservation Law Foundation</i> <i>235 Promenade Street</i> <i>Suite 560, Mailbox 28</i> <i>Providence, RI 02908</i>	mcurran@clf.org ;	401-228-1904
	jcrowley@clf.org ;	
Friends of India Point et al <i>Patrick C. Lynch, Esq.</i> <i>Lynch & Pine Attorneys at Law, LLC</i> <i>One park Row, 5th Floor</i> <i>Providence, RI 02903</i>	plynch@lynchpine.com ;	401-274-3306
	tierneylaw@yahoo.com ;	
Energy Development Partners <i>Christian F. Capizzo, Esq.</i> <i>Jeffrey H. Gladstone, Esq.</i> <i>Robert K. Taylor, Esq.</i> <i>Partridge Snow & Hahn LLP</i> <i>40 Westminster Street, Suite 1100</i> <i>Providence, RI 02903</i> <i>John A. Pagliarini, Jr. , Esq.</i> <i>Energy Development Partners, LLC</i>	ccapizzo@psh.com ;	
	jgladstone@psh.com ;	
	rtaylor@psh.com ;	
	jpag@edp-energy.com ;	
<i>Luly E. Massaro, Clerk</i> <i>Division of Public Utilities</i> <i>89 Jefferson Blvd.</i> <i>Warwick, RI 02888</i>	Luly.massaro@puc.ri.gov ;	
	John.spirito@dpuc.ri.gov ;	
	Linda.george@dpuc.ri.gov ;	
	Thomas.kogut@dpuc.ri.gov ;	
Interested Individuals:		
<i>Matt Torrenti</i>	matt.torrenti@i3broadband.com ;	
<i>Anthony Salamone</i>	asalamone@mcall.com ;	

<i>Kai Salem</i>	kai@greenenergyconsumers.org ;	
<i>Amy Moses</i>	amoses@utilidata.com ;	
<i>RJ Heim, WJAR</i>	rjheim@wjar.com ;	
<i>David Riley</i>	davidpriley@aol.com ;	